

**THE CRIMINAL CODE  
OF REPUBLIKA SRPSKA**

**GENERAL PART**

**CHAPTER I  
BASIC PROVISIONS**

**Basis and purpose of the Criminal Legislation of 0Republika Srpska  
Article 1**

- (1) Criminal law provisions contained in this Code are based on the Constitution of Republika Srpska and the universally recognized principles and standards of international law.
- (2) The main purpose of the criminal legislation of Republika Srpska is to protect fundamental human rights and freedoms and other fundamental individual and general values defined by the Constitution and international law.
- (3) The protection is realized by defining which offences are criminal offences, by prescribing punishments and other criminal sanctions for the commission of such offences and by imposing the punishments on the offender in proceedings defined by law.

**Principle of Legality  
Article 2**

- (1) Criminal offences and criminal sanctions shall be prescribed only by law.
- (2) No punishment may be imposed on any person for a criminal offence which, prior to being perpetrated, has not been defined as a criminal offence by law, nor a punishment or other criminal sanction may be imposed which has not been prescribed by law.

**Basis of Criminal Liability and Culpability  
Article 3**

- (1) The basis of criminal responsibility is the committed criminal offence with all its elements prescribed by law.
- (2) No punishment or alternative measures may be imposed on a person, unless this person was found was criminally liable for the committed criminal offence.

**Principle of Limitation of Criminal Law Enforcement  
Article 4**

Criminal offences and criminal sanctions shall be prescribed only for acts violating or threatening human rights and liberties, as well as other individual and general social

1 Unofficial translation

(In case of any issue regarding authenticity of text or translation, the local language version shall prevail)

values guaranteed by the Constitution and international law in such a manner that their protection could not be achieved without criminal law enforcement.

**Principle of Equality of Perpetrators of Criminal Offences**  
**Article 5**

Offenders of criminal offences shall be equal and subject to criminal liability irrespective of the nature or type of criminal offence committed, ethnicity, race or religious affiliation, language, religious or political beliefs, skin colour, sex or sexual orientation, health status or gender identity, background, political or social status or any other circumstance.

**Principle of Fairness and Proportionality**  
**Article 6**

Punishments and other criminal sanctions applicable to offenders shall correspond to the nature and gravity of the committed criminal offence, the scope of criminal liability, circumstances under which the offence was committed and the personality of the offender.

**Principle of Respect for Dignity and Personality of the Offender**  
**Article 7**

- (1) In the execution of criminal sanctions, certain rights of the offender may be denied or restricted only if it is necessary for the execution of a particular criminal sanction and to an extent commensurate with the nature and the content of the sanction.
- (2) Criminal sanctions shall be executed in a manner which provides for the respect for the offender and his dignity.
- (3) In the execution of a criminal sanction, it is necessary to respect the convicted person's personality, his bodily, and mental integrity. Such persons must not be subjected to torture or other types of cruel, inhuman or degrading treatment. In case of such treatment, they shall have access to a legal recourse.

**Principle of Forfeiture of Proceeds of Crime**  
**Article 8**

No person may retain proceeds of crime. The proceeds of crime, as well as the income or other benefits resulted from proceeds of crime, shall be forfeited.

**CHAPTER II**  
**APPLICABILITY OF CRIMINAL LEGISLATION**

**Time Constraints Regarding Applicability of Criminal Legislation**  
**Article 9**

- (1) The law that was in effect at the time when the criminal offence was committed shall apply to the offender. If the law was amended at the time of the commission of the criminal offence, the law that was in effect at the time when the offense was completed shall be applied.
- (2) If the law has been amended on one or more occasions after the criminal offence was committed and before passing a final verdict, the law that is most lenient to the offender shall be applied.
- (3) An offender who has committed a criminal offence that was prescribed by the law with a specific time constraint, that law shall be applied, regardless when he is standing trial unless otherwise specified by that law.
- (4) Application rules of this Code under paragraphs 1,2, and 3 of this Article also apply in relation to the effects of legal consequences of conviction.

**Applicability of Criminal Legislation on the Territory of Republika Srpska**  
**Article 10**

- (1) The criminal legislation of Republika Srpska shall apply to anyone who commits a criminal offence within its territory.
- (2) The criminal legislation of Republika Srpska shall apply to anyone who commits a criminal offence aboard a domestic vessel, regardless of its location at the time of commission of the offence.
- (3) The criminal legislation of Republika Srpska shall apply to anyone who commits a criminal offence aboard a domestic civil aircraft while in flight, regardless of its location at the time of commission of the offence.
- (4) If in cases under paragraph 1, 2, and 3 of this Article the criminal proceedings have been instituted or completed in a foreign country, prosecution may be undertaken in Republika Srpska only with the approval of the Chief Republic Prosecutor.
- (5) In cases under paragraph 1, 2, and 3 of this Article prosecution of an alien may be transferred to a foreign country providing reciprocity is applied.

**Applicability of the Criminal Legislation of Republika Srpska to Particular**  
**Criminal Offence Committed Outside its**  
**Territory**  
**Article 11**

The Criminal legislation of Republika Srpska shall apply to anyone who commits a criminal offence under Articles 278 through 305 outside the territory of Republika Srpska.

**Applicability of the Criminal Legislation of Republika Srpska to Citizens of**  
**Republika Srpska Committing a Criminal**  
**Offence outside its Territory**

## **Article 12**

The Criminal Legislation of Republika Srpska shall also apply to a citizen or Republika Srpska who commits a criminal offence other than those under Article 11 outside its territory if found on the territory of Republika Srpska or if extradited to Republika Srpska.

### **Applicability of Criminal Legislation of Republika Srpska to Foreign Citizens Committing a Criminal Offence outside its Territory**

## **Article 13**

(1) Criminal Legislation of Republika Srpska shall apply to a foreign citizen who commits a criminal offence against Republika Srpska or its citizen other than those defined under Article 11 outside the territory of Republika Srpska if found on the territory of Republika Srpska or if extradited to Republika Srpska.

(2) Criminal Legislation of Republika Srpska shall also apply to a foreign citizen who commits a criminal offence against a foreign country or a foreign citizen outside of the territory of Republika Srpska, when such offence is punishable by five or more years of imprisonment pursuant to the laws of the country of commission if found on the territory of Republika Srpska and not extradited to the foreign country. In this case the court shall not pass a sentence that is more severe than the one provided for in the legislation of the country where the criminal offence was committed.

### **Special Requirements for Prosecution**

## **Article 14**

(1) In cases referred to in Articles 12 and 13 of this Code prosecution shall not be undertaken if:

- 1) the offender has fully served the sentenced to which he was convicted abroad,
  - 2) the offender has been acquitted by a final verdict, his punishment pardoned or barred by the statute of limitations,
  - 3) to an offender of unsound mind a relevant security measure was enforced abroad,
  - 4) for a criminal offence under foreign law criminal prosecution requires a motion of the victim, and such motion was not filed.
- (2) In cases referred to in Articles 12 and 13 of this Code prosecution shall be undertaken only if the criminal offence is also punishable pursuant to the legislation of the country where the criminal offence was committed, unless the criminal offence is committed against Republika Srpska or its citizen and with a permission of the Chief Republic Prosecutor.

(3) In cases referred to in Article 13, paragraph 2, of this Code prosecution shall be undertaken only with the permission of the Chief Republic Prosecutor, regardless of the legislation of the country where the criminal offence was committed if at the time of commission the act was considered criminal offence under general legal principles recognized in the international law.

## **Applicability of Criminal Legislation to Persons under the Age of 21**

### **Article 15**

- (1) Criminal code shall not apply to a person who was under the age of fourteen at the time of the commission of the offence.
- (2) This Code shall apply to juveniles and young adults unless otherwise defined by a separate law.

## **Applicability of General Part**

### **Article 16**

Provisions of the General Part of this Code shall be applicable to all criminal provisions in the legislation of Republika Srpska.

## **CHAPTER III CRIMINAL OFFENCE AND CRIMINAL RESPONSIBILITY**

### **1. General Provisions on Criminal Offence**

#### **Criminal Offence**

##### **Article 17**

A criminal offence is an unlawful act that threatens or violates protected values and is defined as a criminal offence by law due to the threat or harm it poses, for which a criminal sanction is prescribed by law.

#### **Manner of Committing Criminal Offence**

##### **Article 18**

- (1) A criminal offence can be committed by an act or an omission.
- (2) A criminal offence is committed by omission when the failure to act is defined as a criminal offence by law.

(3) A criminal offence can also be committed by omission even if the law does not define it as omission if the offender fulfils legal elements of that criminal offence by failing to duly perform an act.

### **Time of Committing Criminal Offence** **Article 19**

(1) A criminal offence is committed both at the time the offender acts and the time he ought to have acted, irrespective of the time when the consequences of his action occurred.

(2) If the commission of criminal offence consists of a number of separate acts, the offence shall be considered committed at the moment of commission of the last of those acts. Criminal offences in which the criminal or unlawful circumstances last for some time shall be considered committed at the moment of cessation of that act or unlawful circumstances created by that act.

### **Place of Committing Criminal Offence** **Article 20**

(1) A criminal offence is committed both at the place offender acts or ought to have acted, and at the place where the consequence of his action or omission to act entirely or partly occurs.

(2) Preparation and an attempt to commit a criminal offence are committed both at the place the offender acts and at the place where the consequence of his action ought to have occurred according to the offender's intention or it could have occurred.

(3) In case of complicity, criminal offence is committed both at the place offender acts or ought to have acted and at the place referred to in paragraph 1 and 2 of this Article.

### **Preparation** **Article 21**

(1) Whosoever prepares commission of a criminal offence with the intent shall be punished for the preparation of a criminal offence only when specifically prescribed by law.

(2) Preparation of a criminal offence may be defined by law as a separate criminal offence or the law may prescribe a punishment for preparation of a specific criminal offence.

(3) When punishment for preparation of a specific criminal offence is prescribed by law, preparation may consist of procuring or enabling means for commission of criminal offence, creating conditions or removing obstacles for its commission, of agreement, planning or organization of criminal offence with other persons, or any other activity that creates conditions for direct perpetration of criminal offence.

### **Attempt** **Article 22**

(1) Whoever intentionally commences the commission of a criminal offence, but does not complete such offence, shall be punished for the attempted criminal offence when, for the

criminal offence in question, the punishment of imprisonment for a term of five or more years may be imposed, and, for the attempt of other criminal offences, when the law expressly prescribes punishment for an attempt.

(2) An attempted criminal offence shall be punished within the limits of the punishment prescribed for the commission of the criminal offence, but the punishment may also be more lenient.

### **Factually Impossible Attempt** **Article 23**

Offender who attempts to commit a crime using inadequate means or against an unsuitable object may be exempted from punishment.

### **Voluntary Abandonment of the Attempt** **Article 24**

(1) An offender, who has attempted a criminal offence and voluntarily abandoned the commission although he was aware that in existing circumstances the offence could have been committed or he prevented consequences after the completion of action, may be released from punishment.

(2) The provision under paragraph 1 of this Article shall not be applied if the offender did not complete the criminal offence due to circumstances which prevented or made the commission of criminal offence significantly more difficult or because he believed that such circumstances existed.

(3) The court may refrain from imposing a punishment on an accomplice, inciter or accessory that has voluntarily prevented commission of the criminal offence.

(4) If the actions under paragraph 1 of this Article have characteristics of another separate criminal offence which is not included in the criminal offence which has been abandoned, the offender shall not be released from the punishment for the other offence.

### **Insignificantly Dangerous Act** **Article 25**

(1) An offence shall not be a criminal offence although it has elements of a criminal offence it constitutes an insignificantly dangerous act due to the insignificance or absence of detrimental consequences, a low degree of criminal responsibility of the offender and absence of the need for his punishment.

(2) The provision under paragraph 1 of this Article may be applied to criminal offences punishable by a fine or up to three years of imprisonment.

### **Necessary (Self-)Defence** **Article 26**

(1) There shall be no criminal offence when the perpetrator acts in self-defence.

(2) An act is considered to be self-defence if it is absolutely necessary to avert an immediate or imminent unlawful attack upon one's property or upon somebody else's property.

(3) If the offender exceeds the limits of necessary defence, the punishment may be reduced, and if the excess occurs due to strong irritation or fright caused by the attack, the offender may be released from punishment.

### **Extreme Necessity Article 27**

(1) There shall be no criminal offence when the perpetrator acts out of extreme necessity..

(2) An act is committed out of extreme necessity if committed for the purpose of averting from one's property or from somebody else's property a contemporaneous or imminent but unprovoked danger that could not have been averted in any other way, provided that the harm resulting from such act does not exceed the harm threatened.

(3) If the offender himself has negligently provoked the danger, or he has exceeded the limits of extreme necessity, the court may impose reduced punishment on him, and if he exceeded the limits under particularly mitigating circumstances, the offender may be released from punishment.

(4) There is no extreme necessity if the offender was under an obligation to expose himself to the danger.

## **2. General Provisions on Criminal Responsibility**

### **Criminal Responsibility Article 28**

(1) Offender is criminally responsible for a criminal offence if at the time of committing a criminal offence he was of full mental capacity, and acted with intent or out of negligence and was aware or should and could have been aware that his act was prohibited shall be held criminally responsible.

(2) An offender shall be criminally responsible if he has committed a criminal offence out of negligence only if the law explicitly prescribes so.

### **Mental Incapacity Article 29**

A mentally incapable person is one who, at the time of committing the criminal offence, was incapable of comprehending the significance of his act or controlling his conduct due

to a mental disease, temporary mental disorder, mental deficiency or other severe mental disorder.

**Self-induced Mental Incapacity**  
**Article 30**

The offender shall be considered criminally responsible if, by consuming alcohol or drugs or otherwise, he brought himself into a state in which he is incapable of comprehending the significance of his actions or controlling his conduct, at the time of bringing himself into such a state, his intent encompasses the offense committed, or if at this time he is negligent in regard to the offense, provided that there was negligence on his part in relation to the criminal offence in cases where criminal responsibility is prescribed by law for such an offence even if committed out of negligence.

**Considerably Diminished Mental Capacity**  
**Article 31**

- (1) Offender whose capacity to comprehend the significance of his act or his ability to control his conduct was considerably diminished due to a condition defined by provisions under Article 29 of this Code may be punished more leniently.
- (2) The state of considerably diminished mental capacity to which the offender has brought himself in the way defined by provisions under Article 30 of this Code may not constitute grounds for the reduction of punishment.

**Intent**  
**Article 32**

- (1) A criminal offence may be committed with specific or general (direct or indirect) intent.
- (2) The offender acts with specific (direct) intent when an offender was aware of his deed and desired its commission.
- (3) The offender acts with general (indirect) intent when an offender was aware that a prohibited consequence might have resulted from his action or omission to act but nevertheless consented to its occurrence.

**Negligence**  
**Article 33**

- (1) A criminal offence may be committed by advertent or inadvertent negligence.
- (2) The offender acts with advertent negligence when he was aware that a prohibited consequence might have occurred as a result of his action or omission to act, but carelessly assumed that it would not occur or that he would be able to avert it.
- (3) The offender acts with inadvertent negligence when he was unaware of the possibility that a prohibited consequence might have occurred, although, under the circumstances and according to his personal characteristics, he should and could have been aware of such possibility.

**Responsibility for Graver Consequences**  
**Article 34**

When a graver consequence has resulted from a criminal offence for which a more severe punishment is prescribed by law, this more severe punishment may be pronounced if the consequence is attributable to the offender's negligence or, exceptionally, to his intent unless the elements of other criminal offence were thus met.

**Mistake of Fact**  
**Article 35**

(1) A person is not criminally responsible if at the time of the commission of a criminal offence he was not aware of one of its elements defined by law, or if he mistakenly believed that circumstances existed which, if they had actually existed, would have rendered such conduct permissible.

(2) If the person was mistaken as a result of negligence, he shall be criminally responsible for the criminal offence committed by negligence, provided that the criminal offence in question is punished by law when committed also by negligence.

**Mistake of Law**  
**Article 36**

(1) Offender is not criminally responsible if at the time of the commission of a criminal offence he was not aware or should not have been aware or could not have been aware due to justifiable reasons that his conduct was prohibited.

(2) If the offender under paragraph 1 of this Article should and could have been aware that his conduct was prohibited, he may receive more lenient punishment.

**3. Complicity**

**Co-perpetration**  
**Article 37**

If several persons jointly commit a criminal offence by participating in the commission of a criminal offence or by taking some other act significantly contribute to its commission, each of them shall be punished as prescribed by law.

**Incitement**  
**Article 38**

- (1) Whoever intentionally incites another to commit a criminal offence shall be punished as if he himself has committed the offence.
- (2) Whoever intentionally incites another to commit a criminal offence punishable for an attempt but the criminal offence has never been attempted, shall be punished as for the attempt of the criminal offence. If the attempted incitement was impossible, the inciter may be released from sentencing.

**Aiding and Abetting**  
**Article 39**

- (1) Whoever intentionally aids and abets another to commit a criminal offence shall be punished as if he himself committed such offence, but the punishment may also be more lenient.
- (2) The following, in particular, shall be considered as aiding and abetting the commission of a criminal offence: giving advice or instructions as to how to commit a criminal offence, supplying the offender with tools for committing the criminal offence, creating conditions or removing obstacles to the commission of criminal offence, and promising, prior to the commission of the criminal offence, to conceal the existence of the criminal offence, to hide the offender, the tools used for committing the criminal offence, traces of the criminal offence, or goods acquired by commission of the criminal offence.

**Rules of Responsibility and the Scope of Punishment of Accessories and  
Accomplices**  
**Article 40**

- (1) Co-perpetrator shall be considered criminally responsible within the limits set by his own intent or negligence, and the inciter and the aider and abettor within the limits of their own intent.
- (2) Personal relations, characteristics and circumstances to which the law attaches the exclusion of criminal responsibility, or the remittance of punishment or which affect imposition or mitigation of punishment may be taken into consideration only if they are inherent to such offenders, co-perpetrators, inciters or aiders and abettors.
- (3) Personal relations, characteristics and circumstances representing elements of a criminal offence do not have to be inherent to inciters and aiders and abettors. Punishment may be reduced for inciters and aiders and abettors without such personal characteristics.

## **C H A P T E R I V C R I M I N A L S A N C T I O N S**

### **Criminal Sanctions and Their General Purpose Article 41**

- (1) Criminal sanctions are: punishments, alternative measures, security measures and correctional measures.
- (2) Forfeiture of proceeds of crime is a special criminal sanction which shall be imposed by court as a mandatory measure under conditions prescribed by this Code.
- (3) Criminal sanctions are defined by law and passed in order to deter unlawful acts that threaten or violate values protected under the criminal legislation.

#### **1. Punishments**

##### **Types of Punishment Article 42**

The following punishments may be imposed on offenders:

- 1) long-term imprisonment
- 2) imprisonment
- 3) fine
- 4) prohibition to drive motor vehicle.

##### **The Purpose of Punishment Article 43**

Within the general purpose of criminal sanctions (Article 41, paragraph 3), the purpose of punishment is:

- 1) To deter the offender from committing criminal offences in future and to reform him, and to deter others from committing criminal offences;
- 2) To express public condemnation of a committed criminal offence, to develop and to strengthen citizens' responsibility and awareness about danger and harmful effects of criminal offences, justifiability of punishment and the necessity to obey the law.

##### **Principal and Ancillary Punishment Article 44**

- (1) Imprisonment and long-term imprisonment may be imposed only as principal punishments.
- (2) A fine may be imposed both as a principal and as an ancillary punishment.
- (3) Prohibition to drive motor vehicle may be imposed only as an ancillary punishment together with imprisonment, a fine or a suspended sentence.

- (4) If more punishments are prescribed for a criminal offence, only one of them may be imposed as a principal punishment.
- (5) A fine as an ancillary punishment may be imposed for criminal offences committed out of greed even if it is not prescribed by law or if it is prescribed that the offender shall be punished by imprisonment or a fine and the court imposes imprisonment as principal punishment.

### **Long-Term Imprisonment** **Article 45**

- (1) For the most serious criminal offences and the gravest forms of serious criminal offences committed with intent, a long-term imprisonment for a term between twenty-five and forty-five years may be imposed. Long-term imprisonment shall be imposed in full years.
- (2) Long-term imprisonment shall not be imposed as the sole principal punishment for a particular criminal offence.
- (3) Long-term imprisonment shall not be imposed on a person who was not twenty-one at the time of committing the crime or a pregnant woman.
- (4) If long-term imprisonment has been imposed, amnesty or pardon may be granted only after two-thirds of the punishment has been served.

### **Imprisonment** **Article 46**

- (1) Imprisonment may not be shorter than three months or longer than twenty years.
- (2) Imprisonment shall be imposed in full years and months and the punishment of imprisonment for a maximum term of six months shall be measured in full days.
- (3) The term of imprisonment not exceeding six months may be imposed by court only when special circumstances of the offence and the offender show that a fine may not achieve the purpose of punishment or that the fine cannot be enforced.
- (4) Provision under paragraph 3 of this Article shall not be applied to imprisonment as replacement for unpaid fine (Article 50, paragraph 2 and 3) or to a revoked suspended sentence (Article 64).
- (5) The term of imprisonment not exceeding one year may be exceptionally executed on the living premises of the convicted person (house arrest). Court may impose such a manner of executing punishment to an offender who is old or weak, seriously ill, a disabled person, a pregnant woman, single parent of underage children, if the purpose of punishment may be achieved this way and with the offender's consent.
- (6) A person sentenced to imprisonment referred to in the paragraph 5 of this Article must not leave his living premises, except in cases prescribed by law regulating execution of criminal sanctions.
- (7) If the conditions for electronic or telecommunication surveillance of house arrest do not exist, the court may order measures of control and surveillance by police in the place

of residence of the convicted person under condition to be regularly informed about execution of that control and surveillance. The convicted person who violates the prohibition to leave his living premises, may be ordered by the court to serve the remainder of imprisonment in an institution for execution of punishment.

(8) No execution of imprisonment sentence may be imposed according to the provision under paragraph 5 of this Article onto a person convicted for criminal offenses against marriage and family who lives in the same household with the injured party.

### **Conditional Release**

#### **Article 47**

(1) A convicted person who has served two thirds of his sentence, but not less than three months, may be released from serving prison sentence on the condition that during the term of his sentence he demonstrated exemplary behaviour, commitment to work and active involvement in the process of re-socialization where he can reasonably be expected to behave himself well after his release and especially that he will not commit another criminal offence before expiration of the time of the sentence

(2) A person punished by long-term imprisonment may be granted conditional release after two-thirds of the punishment has been served and under conditions prescribed under paragraph 1 of this Article.

(3) In determining whether to release a convicted person on parole, an account shall be taken of his character, his conduct in the past and convictions, whether other criminal procedure against him is ongoing, his attitude to the committed crime and the victim, his conduct during the term of the sentence and degree of re-socialization, the extent to which the program of execution of criminal sanctions was successfully implemented and his discharging duties in accordance with his working ability, whether his behaviour changed after the crime was committed as well as other circumstances indicating that the purpose of the punishment has been attained.

(4) Conditional Release Commission appointed by the Minister of Justice decides upon conditional release.

### **Revocation of Conditional Release**

#### **Article 48**

(1) The court shall order revocation of conditional release if the convicted person, while on conditional release, commits one or more criminal offences for which a punishment of imprisonment for a term exceeding one year has been imposed.

(2) The court may order revocation of conditional release if the released person commits one or more criminal offences for which a punishment of imprisonment for a term up to one year has been imposed. In rendering a decision on revoking conditional release, court shall take into special consideration the similarity in the nature of the acts committed, their significance, the motives for their commission, as well as other circumstances justifying the revocation of conditional release.

(3) When court orders revocation of conditional release, it shall impose punishment pursuant to Articles 56 and 58(2) of this Code considering the previously imposed sentence as the already fixed punishment. The part of the punishment that the convicted person served under the earlier sentence shall be credited toward serving of the

subsequent sentence, whereas the period of time spent on conditional release shall not be credited.

(4) The provisions of paragraphs 1, 2, and 3 of this Article shall also be applied when the conditionally released person is tried for a criminal offence committed prior to his conditional release.

(5) If the person on conditional release is convicted to imprisonment for a term up to one year, and if the court does not order the revocation of conditional release, the term of the conditional release shall be extended for a period of time the convicted person spent serving the prison sentence.

(6) Exceptionally to the provisions set forth in this Article, conditional release may be revoked by the Conditional Release Commission referred to in Article 47 of this Code under the terms provided by the regulations on execution of criminal sanctions.

### **Fines** **Article 49**

(1) Fines are imposed in one fixed amount but if it is possible to assess the offender's income and expenditure, it shall be imposed in daily amounts.

(2) If a fine is imposed in one fixed amount, it may not be less than 300 KM and it may not exceed 200,000.00 KM whereas for offences motivated by greed, a maximum fixed amount impossible may not exceed 2,000,000.00 KM.

(3) If a fine is imposed in daily amounts, it may be a minimum of ten and maximum of three hundred sixty daily amounts, whereas for offences motivated by greed, a maximum impossible fine is one thousand five hundred daily amounts, except in the cases foreseen by this Code.

(4) The number of daily amounts is determined by the court according to the general principles on the imposition of punishments. The daily amount is determined by the court based on the amount of the offender's daily income calculated on the basis of his net salary during three months and his other income as well as his necessary expenditure. In determining the amount, the court shall take into consideration the data not older than six months at the moment when the fine is imposed.

(5) If the court does not have the information referred to in paragraph 4 of this Article, it shall be provided by the accused within the deadline as set by the court but not later than by the closing of the main trial.

(6) The minimum daily amount of fine is 30 KM and the maximum 1,000 KM.

### **Execution of Fine** **Article 50**

(1) The verdict shall set the deadline for payment of the fine which may not be shorter than fifteen days or longer than three months. In justified cases, the court may allow the convicted person to pay the fine in installments, whereby the deadline for payment may not exceed one year.

(2) If fine is not paid in full or in part within the set deadline, the court shall order forcible collection in a procedure prescribed by law. If the fine is not collected through forcible collection within one year, the court shall issue a decision to substitute the fine by imprisonment so that 50 KM or each daily amount started is substituted by one day of imprisonment whereby the imprisonment in that case may not exceed two years.

(3) If the convicted person has only paid a portion of the fine, the remaining amount will be proportionally converted into imprisonment and if he then pays the remaining amount, the execution of imprisonment ceases.

(4) If the convicted person does not have a permanent or temporary residence in BiH, a fine shall be collected without delay. If the fine is not collected in such a way, it shall be substituted by imprisonment by the court without delay.

### **Prohibition to Drive Motor Vehicle Article 51**

(1) Prohibition from driving a motor vehicle of a certain type or category may be imposed on a person who commits a criminal offence of endangering traffic safety.

(2) The court shall impose the punishment under paragraph 1 of this Article for the period of six months to five years and, in case that endangering traffic safety resulted in death of one or more persons, for the period of one year to eight years, counting from the date the decision becomes finally binding. The time spent serving the prison sentence shall not be credited towards the term of this punishment.

(3) When the court imposes suspended sentence, it may order the suspended sentence to be revoked if the convicted person violates the prohibition to drive a motor vehicle. (4) If the punishment under paragraph 1 of this Article was imposed on a holder of foreign driving licence, the ban is applicable in the territory of Republika Srpska.

(5) If the convicted person drives a motor vehicle during the ban, the court shall replace this punishment with imprisonment so that each six months of prohibition to drive motor vehicle is substituted by one month of imprisonment

(6) Punishment under paragraph 1 of this Article may include confiscation of driving licence or ban on issuing driving licence for the period of prohibition from driving a motor vehicle.

(7) Mandatory imposition of prohibition to drive motor vehicle may be prescribed by the Code.

### **General Principles on the Imposition of Punishments Article 52**

(1) The court shall impose the punishment within the limits provided by law for that particular offence, having in mind the purpose of punishment and taking into account all the circumstances bearing on the level of punishment (extenuating and aggravating circumstances), and, in particular: the degree of criminal responsibility, the motives for committing the offence, the degree of danger or injury to the property, the circumstances in which the offence was committed, the past conduct of the offender, his personal situation and his conduct after the commission of the criminal offence, as well as other circumstances which are of significance for imposition of punishment.

(2) A circumstance representing the characteristics of a particular criminal offence may not be taken into consideration also as an aggravating or extenuating circumstance, unless it surpasses the measure that is necessary for the existence of a criminal offence or a particular form of a criminal offence, or if there are two or more such circumstances but only one is sufficient for the existence of a more serious or less serious criminal offence.

(3) If a criminal offence was perpetrated out of hatred as provided in Article 123, paragraph 1, item 21) of this Code, the court shall take it into consideration as an aggravating circumstance, unless the hatred is aggravating form of that criminal offence.

(4) In ruling on the punishment for the criminal offence in recidivism, the court shall take into special consideration whether the most recent offence is of the same type as the previous one, whether both acts were committed from the same motive, and it will also consider the period of time which has elapsed since the pronouncement of the previous conviction, or since the punishment has been served or pardoned.

(5) In imposing a fine, the court shall take into consideration the financial situation of the offender in particular.

### **Reduction of Punishment**

#### **Article 53**

(1) The court may impose lesser punishment than prescribed for a certain criminal offence, or a lesser type of punishment only when such possibility is explicitly provided by law.

(2) The court may impose lesser punishment than prescribed when the law prescribes that the offender may be released from punishment and the court does not release him from punishment.

(3) The court may impose lesser punishment than prescribed for a certain criminal offence when exceptionally extenuating circumstances exist and especially if the offender compensated in full or in larger part the damage caused by the criminal offence or removed its harmful consequences in other way and if the court, taking into consideration such circumstances, determines that the purpose of punishment can be attained by such lesser punishment.

(4) The court may impose lesser punishment than prescribed for a certain criminal offence in cases of plea bargain but not outside the rules and limitations prescribed by this Code.

### **Limitations in Reduction of Punishments**

#### **Article 54**

(1) When conditions for reduction of punishment under the Article 53 of this Code exist, the punishment shall be reduced within the following limits:

- 1) If a punishment of imprisonment of ten or more years is prescribed as the lowest punishment for the criminal offence, it may be reduced to seven years of imprisonment;
- 2) If a punishment of imprisonment of eight years is prescribed as the lowest punishment for the criminal offence, it may be reduced to five years of imprisonment;

- 3) If a punishment of imprisonment of five years is prescribed as the lowest punishment for the criminal offence, it may be reduced to three years of imprisonment;
  - 4) If a punishment of imprisonment of three years is prescribed as the lowest punishment for the criminal offence, it may be reduced to two years of imprisonment;
  - 5) If a punishment of imprisonment of two years is prescribed as the lowest punishment for the criminal offence, it may be reduced to one year of imprisonment;
  - 6) If a punishment of imprisonment of one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to three months of imprisonment;
  - 7) If a punishment of imprisonment of less than one year is prescribed as the lowest punishment for the criminal offence, it may be reduced to three months of imprisonment and if a punishment of imprisonment is without fixed lowest punishment it may be substituted with a fine;
  - 8) If a fine is prescribed as the lowest limit for the punishment for a criminal offence if it is imposed in the fixed amount, it may be reduced up to 300 KM.
- (2) When deciding on the extent of reducing punishments in accordance with the rules set forth in paragraph 1 of this Article, the court shall take into special consideration the lowest and the highest punishment prescribed for the particular criminal offence.
- (3) Reduction of punishment under paragraph 1 of this Article shall not be applicable to following criminal offences: rape - Article 165; sexual intercourse with helpless person - Article 167; sexual intercourse with child under 15 years of age - Article 172; terrorism - Article 299; financing terrorist activities - Article 300 of this Code or to the offender who has been previously sentenced on two or more occasions for the same criminal offence.
- (4) In cases when the court is allowed to release the offender from punishment, the court may decide to reduce the punishment without the limitations prescribed for reduction of punishment.

### **Release from Punishment** **Article 55**

- (1) Court may release the offender from punishment only when such possibility is explicitly provided by law.
- (2) Court may release the offender from punishment for a criminal offence committed out of negligence when the consequences of the criminal offence committed affect the offender so severely that imposing a punishment would obviously not serve the purpose of punishment.
- (3) Court may release the offender from punishment for a criminal offence if a punishment of imprisonment not exceeding five years is prescribed for that offence and if the offender removes consequences of the criminal offence or compensates for damage caused voluntarily after he committed the criminal offence and before he finds out that the offence has been discovered.

## **Concurrence of Criminal Offences**

### **Article 56**

- (1) If the offender, by a single action or by several actions, has committed several criminal offences, for which he is tried at the same time, the court shall first assess the punishment for each of the offences separately and, based on assessment of all offences and the character of the offender, then proceed with imposing the compound punishment.
- (2) The court shall adhere to the following rules in imposing the compound punishment:
- 1) If the court has ruled punishment of long-term imprisonment or long-term imprisonment and imprisonment for two or more criminal offences committed, the compound punishment of long-term imprisonment shall be higher than each of the individual punishments but it may not exceed the highest punishment of long-term imprisonment;
  - 2) If for each of two or more criminal offences committed a punishment of imprisonment over ten years has been determined, the court may impose the compound punishment of long-term imprisonment which must not be as high as the sum of all incurred punishments, nor may it exceed the highest punishment of long-term imprisonment;
  - 3) If the court has determined punishment of imprisonment for the concurrent criminal offences, the compound punishment must be higher than each of the individual punishments, but the compound punishment may not be as high as the sum of all incurred punishments, nor may it exceed a period of twenty years;
  - 4) If for each of the offences committed in concurrence a punishment of imprisonment not exceeding three years is prescribed, the compound punishment may not exceed ten years;
  - 5) If only fines have been imposed by court for the criminal offences in concurrence, the total punishment may not exceed the sum of all fines imposed nor may it exceed 200,000.00 KM or 2,000,000.00 if a criminal offence was committed out of greed.
  - 6) If the court has imposed punishments of imprisonment for some of the concurrent criminal offences, and fines for others, it shall impose one punishment of imprisonment and one fine, in accordance with the provisions set forth in items 2), 3), 4), and 5) of this paragraph.
- (3) The court shall impose an additional punishment if it is determined for any one of the concurrent criminal offences, and if it has imposed several fines, it shall impose a total fine in pursuance of the provisions set forth in paragraph 2, item 5) of this Article.

## **Continued Criminal Offence**

### **Article 57**

(1) Continued criminal offence consists of a number of identical criminal offences or offences of the same type intentionally perpetrated in temporal connection and which due to the manner of perpetration, sameness of damaged party, space connection, use of the same situation or same permanent relation, or other similar circumstances constitutes a whole in the legal sense.

(2) Continued criminal offence shall not include criminal offences against life and physical integrity, sexual and other human freedoms.

(3) If the continued criminal offence includes different forms of the same offence, the continued criminal offence shall be legally qualified as the most serious of those criminal offences.

(4) If the consequences of a criminal offence under paragraph 1 of this Article as a total present the consequence of a graver criminal offence, the continued criminal offence shall be qualified as that graver criminal offence.

(5) Imposed punishment for a continued criminal offence may be fifty percent higher than the highest prescribed punishment for that offence; however it cannot exceed the highest measure of that type of punishment.

(6) Criminal offence that is not included in the continued criminal offence shall in final court judgment constitute the separate criminal offence or shall be included in the separate continued criminal offence.

(7) Continued criminal offences shall not include criminal offences committed after the indictment.

### **Imposing Punishment on a Convicted Person** **Article 58**

(1) If a convicted person is tried for a criminal offence he had committed before serving of the previous sentence started, or for a criminal offence he committed while serving a sentence of imprisonment, long-term imprisonment or juvenile imprisonment, the court shall impose a compound punishment for all the criminal offences applying provisions set forth under Article 56 of this Code, taking the punishment from the earlier sentence as an already imposed punishment. The part of the sentence, which the convicted person had already served, shall be credited towards the imposed sentence of imprisonment or long-term imprisonment.

(2) For criminal offences committed in the course of serving prison sentence, long-term prison sentence, or juvenile prison sentence, the court shall determine the offender's punishment independently of the punishment for the earlier sentence in cases when the application of the provisions set forth under Article 56 of this Code would lead to failure to achieve the purpose of punishment considering the duration of un-served portion of the previous sentence.

(3) If a convicted person, while serving a punishment of imprisonment, long-term imprisonment or juvenile imprisonment, commits a criminal offence punishable by law with a fine or punishment of not exceeding one year of imprisonment, he shall be punished with a disciplinary sanction.

(4) If the convicted person had served the previous sentence before the new trial for a criminal offence commenced, the provisions set forth under Article 56 of this Code shall not apply.

**Credit for the Period Spent in Custody and Credit for Punishment under an Earlier Sentence**  
**Article 59**

(1) The time spent in custody pending trial, as well as any deprivation of freedom related to the criminal offence, shall be credited towards the imposed sentence of imprisonment, long-term imprisonment, or fine.

(2) In calculating the credit, one day spent in custody pending trial, one day of deprivation of freedom, one day of juvenile imprisonment, one day of imprisonment, one day of long-term imprisonment and the amount of 50 KM, shall be deemed equal.

**Crediting Pre-trial Detention and Imprisonment Term Served Abroad**  
**Article 60**

Pre-trial detention, detention during the extradition procedure and the prison term served upon a verdict of a foreign court shall be credited against the prison term passed for the same criminal offence by the domestic court or, if the sentences are not of the same type, the court shall exercise discretion in crediting the earlier sentence.

**3. Alternative Measures**

**Types of Alternative Measures and General Conditions for Their Application**  
**Article 61**

(1) Alternative measures are: suspended sentence, suspended sentence with protective supervision and community service.

(2) Alternative measures shall be imposed on an offender only in cases where, given the nature and gravity of the criminal offence, circumstances of the commission and the character of the offender, the execution of punishment is not necessary to achieve the purpose of punishment.

**Suspended Sentence**  
**Article 62**

(1) When it imposes a suspended sentence, the court imposes a punishment of imprisonment on the offender, but at the same time it orders that the sentence shall not be carried out if the convicted person does not commit another criminal offence over a period of time established by the court, which may not be shorter than one or longer than five years (probation period).

(2) The court may decide on the condition that the suspended sentence shall be executed if within a certain time-limit the convict fails to restore the material gain acquired by commission of the criminal offence or if he fails to compensate for damage caused by commission of the criminal offence or fails to fulfill other obligations provided for in criminal legislation. The court shall determine the time-limit for the fulfillment of these obligations within the determined probation period.

(3) Security measures, which are ordered in addition to the suspended sentence, shall be executed.

### **Requirements for Passing the Suspended Sentence Article 63**

(1) A suspended sentence may be imposed when a perpetrator has been sentenced to imprisonment for a term not exceeding one year and when the court, on the grounds of circumstances referred to in paragraph (3) of this Article, assesses that it can be justifiably expected from the perpetrator that he shall not perpetrate the criminal offences in the future even without imposing punishment he is threatened with.

(2) The suspended sentence cannot be imposed for criminal offences for which a punishment of imprisonment for a term of ten years or more is specified.

(3) In deciding whether to impose a suspended sentence, the court shall, taking into account the purpose of the suspended sentence, pay attention to the personality of the perpetrator, his conduct in the past, and in particular whether he has been previously convicted, his behaviour after the perpetration of the criminal offence, and, in particular, his attitude towards the victim and his effort to compensate the damage to the victim, the degree of criminal responsibility and other circumstances under which the criminal offence has been perpetrated.

### **Revocation of Suspended Sentence Because of a New Criminal Offence Article 64**

(1) The court shall revoke the suspended sentence if the convicted person perpetrates one or more criminal offences for which a punishment of imprisonment for a term exceeding one year had been imposed before the probation period expired.

(2) If the convicted person perpetrates one or more criminal offences during the probation period for which the punishment of imprisonment for a term not exceeding one year or a fine has been imposed, the court shall decide, upon consideration of all circumstances related to the criminal offences perpetrated as well as to the perpetrator, particularly the possible similarity of the perpetrated offences, their significance and motives from which the offences have been perpetrated, whether to revoke the suspended sentence. In taking such decision, the court is bound by the prohibition on imposing a suspended sentence if a punishment of imprisonment under paragraph 1 of this Article needs to be imposed on the perpetrator for the criminal offence for which the suspended sentence was imposed and for new criminal offences.

(3) In the event of revocation of the suspended sentence, the court shall impose one compound punishment both for the previously perpetrated and the new criminal offence, pursuant to the provisions of Article 56 of this Code, taking the revoked suspended sentence as an already fixed punishment.

(4) In the event that the court does not revoke a suspended sentence, it may impose a suspended sentence or a punishment of imprisonment for a newly perpetrated criminal offence. If the court imposes a punishment of imprisonment for the new criminal offence, the period of time spent serving that punishment of imprisonment shall not be deducted from the probation period established by the suspended sentence for the previously perpetrated criminal offence.

(5) If the court decides that a suspended sentence should be imposed for the newly perpetrated criminal offence as well, the court shall apply provisions set forth under Article 56 of this Code to impose one compound sentence both for the previously perpetrated and the new criminal offence and it shall also determine one compound probation period in accordance with Article 63, paragraph 1 of this Code commencing on the day the new sentence became effective. In case the perpetrator intentionally commits another criminal offence during the new probation period, the court shall revoke suspended sentence and impose a new punishment of imprisonment pursuant to provisions set forth under paragraph 3 of this Article.

#### **Revocation of Suspended Sentence Because of Previously Committed Criminal Offence Article 65**

(1) The court shall revoke a suspended sentence in case that, after it was imposed, it learned that the perpetrator had perpetrated a criminal offence prior to the imposition of the suspended sentence, and it is felt by the court that there would have not been enough grounds for the imposition of a suspended sentence had the existence of that offence been known. In such a case, the provision set forth under Article 64, paragraph 3 of this Code shall be applied.

(2) If the court does not revoke a suspended sentence, the provision set forth under Article 64, paragraph 4 of this Code shall be applied.

#### **Revocation of Suspended Sentence Caused by Failure to Fulfill Particular Obligations Article 66**

If the suspended sentence sets forth some obligations under Article 62, paragraph 2 of this Code to be fulfilled by the convict and he fails to do so within the course of the determined probation period, the court may extend the deadline for the fulfillment or revoke the suspended sentence and order the execution of the imposed punishment, within the course of the determined probation period. If the court establishes that it is impossible for the convict to fulfill the obligations for justified reasons, the court shall replace such obligations with other obligations prescribed by criminal legislation or relieve the convicted person of the obligations.

#### **Deadlines for Revocation of Suspended Sentence Article 67**

(1) A suspended sentence may be revoked during the probation period. If a convicted person commits a criminal offence during this period which entails the revocation of the

suspended sentence, but it is established by judgement only after the expiration of the probation period, the suspended sentence may be revoked at the latest one year after the probation period has expired.

(2) If a convicted person fails to fulfill a certain obligation under Article 62, paragraph 2 of this Code, the court may revoke the suspended sentence no later than one year after the expiration of the probation period, and order execution of the punishment imposed as the suspended sentence.

(3) The decision revoking a suspended sentence has to become final and binding within time limits set forth in paragraphs 1 and 2 of this Article.

### **Suspended Sentence with Protective Supervision**

#### **Article 68**

(1) The court may order that an offender who has been subject to a suspended sentence is placed under protective supervision for a fixed period within the probation period.

(2) Protective supervision encompasses measures of assistance, care, supervision and protection.

(3) If during protective supervision the court establishes that the purpose of the sentence has been attained, it may terminate the protective supervision even before its expiration.

(4) If a convicted person who has been subject to a protective supervision fails to fulfill obligations imposed on him by the court, the court may warn him or may replace earlier obligations with others or extend the protective supervision within the probation period, or may revoke the suspended sentence.

### **Contents of Protective Supervision**

#### **Article 69**

(1) Protective supervision may include the following obligations:

- 1) Treatment in an appropriate health institution;
- 2) Refraining from intake of alcoholic drinks or opiates (intoxicating drugs);
- 3) Attending particular psychiatric, psychological or other counseling centres and acting in accordance with their instructions;
- 4) Training for a profession;
- 5) Accepting employment which is appropriate to the skills and abilities of the offender;
- 6) Disposing of salary or other income and property in an appropriate way and in accordance with marital or family obligations.

(2) The court may impose one or several obligations set forth in paragraph 1 of this Article, defining what exactly they cover.

### **Community Service**

#### **Article 70**

(1) The court may replace the imposed imprisonment for a term not exceeding one year with community service upon the request of the convicted person (2)

(2) The decision to replace imprisonment with community service shall be based upon the assessment that, considering all the circumstances determining the type and range of the sentence, the execution of imprisonment would not be necessary to realize

the purpose of punishment, but at the same time a suspended sentence would not be sufficient to accomplish the general purpose of criminal sanctions.

(3) Community service shall be neither shorter than 60 hours nor longer than 360 hours and it is imposed over a period that shall be neither shorter than one month nor longer than six months.

(4) Community service shall not exceed 60 hours in a month.

(5) Community service is any service benefiting the community which does not offend human dignity and which is not done for purpose of gaining profit.

(6) When, upon the expiry of the determined period, the convicted person has not completed or has only partly completed the community service, the court shall render a decision on the execution of imprisonment in such a way that each 60 hours of community service started is substituted by imprisonment for a period of one month. (6)

(7) The Minister adopts rulebook which prescribes manner of execution of community service.

### **3. Security Measures**

#### **Purpose of Security Measures**

##### **Article 71**

As part of the general purpose of criminal sanctions, the purpose of security measures is to remove situations or conditions that might influence an offender to commit criminal offences in the future.

#### **Types of Security Measures**

##### **Article 72**

The following security measures may be imposed on offenders:

- 1) Mandatory psychiatric treatment and confinement in a health institution,
- 2) Mandatory psychiatric treatment outside health institution,
- 3) Mandatory medical treatment for addiction,
- 4) Prohibition to carry out certain occupation, activity or duty,
- 5) Prohibition to attend certain sports events,
- 6) Prohibition to approach or contact a person,
- 7) Mandatory psychosocial treatment,
- 8) Removal from joint household, and
- 9) Forfeiture.

#### **Imposing Security Measures**

##### **Article 73**

The court may impose one or several security measures on an offender, when grounds for imposing them exist under this Code.

## **Mandatory Psychiatric Treatment and Confinement in Health Institution**

### **Article 74**

(1) The security measure of mandatory psychiatric treatment may be imposed on an offender who commits a criminal offence in a state of mental incapacity or considerably diminished mental capacity, if the court establishes on the basis of the gravity of the criminal offence and the degree of mental incapacity there is a danger that the causes of such a state may in the future also induce the offender to commit another similar or graver criminal offence and to avert the danger it is necessary for the offender to be treated and confined in health institution.

(2) The court shall terminate the security measure under paragraph 1 of this Article when it determines that the need for offender's treatment and confinement in health institution ceased to exist. The court decides every year whether treatment and confinement in a health institutions are still necessary.

(3) The time that the offender who committed a criminal offence in a state of considerably diminished mental capacity and who was sentenced to prison spent in the health institution shall be credited towards the term of imposed sentence. In case when that period is shorter than the imposed sentence, the court may decide to send the convicted person to serve the remainder of the prison sentence or to release him on parole. In determining whether to release a convicted person on parole, the court shall particularly take into account the success of his treatment, his health, time spent in a health institution and the reminder of the sentence of imprisonment the convicted person has not served.

(4) The security measure under paragraph 1 of this Article may last longer than the prison sentence.

## **Mandatory Psychiatric Treatment Outside Health Institution**

### **Article 75**

(1) The security measure of mandatory psychiatric treatment outside health institution shall be imposed on an offender who commits a criminal offence in a state of mental incapacity, if the court establishes that the offender may commit the same or graver criminal offence and to avert the danger it is sufficient for the offender to be treated outside health institution.

(2) The security measure under paragraph 1 of this Article may be imposed on an offender with mental incapacity who is subject to a mandatory psychiatric treatment and confinement in a health institution when the court, based on the results of his treatment, establishes that there is no further need for his treatment and confinement in the health institution and that his treatment may continue outside the institution.

(3) The court may impose the mandatory psychiatric treatment outside health institution under the conditions provided for in paragraph 1 of this Article on an offender who has committed a criminal offence in a state considerably diminished mental capacity or who has been released on parole based on the Article 47, paragraph 3 of this Code.

## **Mandatory Medical Treatment for Addiction**

### **Article 76**

(1) The security measure of mandatory medical treatment for addiction may be imposed on an offender who commits a criminal offence under the decisive influence of addiction to alcohol or to narcotic drugs, if there is a danger that due to such an addiction he will continue to commit crimes in the future.

(2) The security measure under paragraph 1 of this Article shall be executed in the institution for execution of punishments or in a health institution or other specialized institution. If this measure was imposed in addition to imprisonment, the time spent in the institution for execution of this measure shall be credited towards the sentence of imprisonment. In such case this measure may last longer than the imposed sentence of imprisonment but it shall not exceed three years, and it shall be executed outside an institution after the sentence of imprisonment is served.

(3) While passing a suspended sentence the court may order medical treatment for addiction to the offender by taking into special account his willingness to submit himself to such treatment. If the offender fails to submit himself to treatment for addiction outside the institution without justified reason or if he voluntarily leaves the treatment, the court may determine to revoke his suspended sentence or to forcibly execute this measure in a health or other specialized institution.

(4) Mandatory medical treatment for addiction shall last until the termination of the reason for which it has been imposed, but no longer than three years.

**Prohibition to Carry out Certain Occupation, Activity or Duty**  
**Article 77**

- (1) The court shall impose the security measure of ban on carrying out a certain occupation, activity or duty completely or in part on an offender who abused his occupation, activity or duty for commission of criminal offence if there is a danger that he shall, by carrying out that occupation, activity or duty, commit a new criminal offence.
- (2) An offender who commits criminal offence against sexual integrity of a child shall be subject to the security measure of a complete ban on carrying out a certain occupation, activity or duty if the immediate contact with children is made while carrying out that occupation, activity or duty.
- (3) The court determines the duration of the security measure under paragraph 1 of this Article which may be imposed for a term which exceeds one but does not exceed ten years, counting from the date the decision becomes final, but the time spent serving the punishment of imprisonment or in the health institution for treatment and confinement shall not be credited towards the term of this security measure. The security measure under paragraph 2 of this Article shall be imposed without time limits.
- (4) In case the security measure under paragraph 1 or 2 of this Article is imposed in addition to the suspended sentence and the offender does not act in accordance with the ban on carrying out a certain occupation, activity or duty during probation period, the suspended sentence shall be revoked.
- (5) The law may provide for mandatory imposition of this security measure.

**Prohibition to Attend Certain Sport Events**  
**Article 78**

- (1) The court may impose the security measure of ban on attending certain sport events on a perpetrator of criminal offence when it is necessary for protection of general safety.
- (2) The measure under paragraph 1 of this Article shall be executed in a way that the offender of a criminal offence is obliged to, immediately before a certain sport event commences, personally report to an official at the police station in the area where the offender finds himself at that moment and to remain on their premises during that sport event.
- (3) The court determines the duration of the security measure under paragraph 1 of this Article which may be imposed for no less than one year or more than five years, counting from the date the decision becomes final. The time spent serving the punishment of imprisonment shall not be credited towards the term of this security measure.
- (4) In case suspended sentence is imposed, the court shall determine that such sentence shall be revoked in case the offender does not act in accordance with the ban on attending certain sport events, that is, he does not act in accordance with his duties under paragraph 2 of this Article.
- (5) The law may provide for mandatory ban on attending certain sport events.

**“No-contact” Restraining Order**  
**Article 79**

- (1) The court may for a fixed period of time prohibit a perpetrator of a criminal offence with elements of violence to come within a certain distance of or contact the victim, to prohibit him to enter the space around the family home or residence or place of work, and to prohibit further harassment of the or further communication with the victim, if it can be reasonably expected that further carrying out of such activities by perpetrator of the criminal offence would be dangerous for the victim.
- (2) By security measure referred to in paragraph 1 of this Article the perpetrator of the criminal offence may be prohibited from approaching or contacting another person, if such conduct of the perpetrator would constitute mental harassment of the victim.
- (3) The court determines the duration of this security measure which may be imposed for no less than six months but does not exceed two years, counting from the date the decision becomes final. The time spent serving the prison sentence or in the health institution for treatment and confinement shall not be credited towards the term of this security measure.
- (4) If the perpetrator during the probation period ordered by the suspended sentence violates the ”no-contact” restraining order referred to in paragraphs 1 and 2 of this Article, the court shall revoke the suspended sentence and pronounce the determined punishment.
- (5) If during the conditional release the perpetrator violates the ”no-contact restraining order referred to in paragraphs 1 and 2 of this Article, the conditional release shall be revoked.

**Mandatory psychosocial treatment**  
**Article 80**

- (1) Against a perpetrator of a criminal offence with elements of violence The court may pronounce mandatory psychosocial treatment, if it finds on the basis of the previous life of the perpetrator and psychiatric characteristics of his personality that there is danger that he shall repeat such or similar offence and that the psychosocial treatment is required for the elimination of this danger.
- (2) The court determines the duration of this security measure which may be imposed for no less than six months but does not exceed two years, counting from the date the decision becomes final.
- (3) In case this security measure is imposed in addition to the sentence of imprisonment, it shall be executed in the institution for execution of prison sentence. If the convicted person, after his release on parole, does not continue with execution of this measure in another appropriate institution, the conditional release shall be revoked.
- (4) If the perpetrator of a criminal offence does not undergo the psychosocial treatment during the probation period, the court shall revoke the suspended sentence and pronounce the determined punishment.

**Removal from joint household**  
**Article 81**

- (1) Against a perpetrator of a criminal offence with elements of violence against the person with whom he lives in the joint household the court may pronounce the security measure of removal from the joint household if there is a danger that the perpetrator shall repeat the violence against the member of the joint household and his removal from the joint household is necessary in order to eliminate this danger.
- (2) The court determines the duration of this security measure which may be imposed for no less than six months but does not exceed two years. The time spent serving the punishment of imprisonment or in the health institution shall not be credited towards the term of this security measure.
- (3) If the sentenced person fails to comply with the security measure or violates it, the conditional release shall be revoked.
- (4) The perpetrator of this criminal offence against whom this security measure has been pronounced shall, immediately after the sentence becomes final, , leave the apartment, house or other living space that constitutes the joint household with the victim in the presence of the police official.
- (5) The person who has been removed from joint household shall contribute to the support of persons that remained in the household in a way that shall be ordered by the court.

### **Forfeiture Article 82**

- (1) Objects and tools occurring as a result of a crime shall be forfeited.
- (2) Objects and tool used or intended to be used in the commission of a criminal offence shall be forfeited regardless whether they belong to the offender or a third party.
- (3) The owner of the forfeited object or tool who did not participate in the commission of crime has the right for return of the object or tool except in case he knew or could have known that the object or tool would be used in the commission of criminal offence or in case he had obtained the item or tool although he knew or could have known that it was used in or that it resulted from the commission of criminal offence.
- (4) Forfeiture of items which do not belong to the offender does not affect the right of third parties to obtain damage compensation from the offender.
- (5) The court may forfeit objects or tools if the conditions set forth under paragraph 1 of this Article are met even if the offender of an unlawful act is not guilty.
- (6) The court shall render a decision on forfeiture of items in legally prescribed proceedings when the conduct of criminal proceedings against the offender of criminal offence is not possible due to factual or legal reasons.
- (7) The law may provide for mandatory forfeiture of objects or tools or their mandatory destruction. The law may provide for special terms for forfeiture of certain objects or tools in specific cases.
- (8) The forfeited objects or tools shall become the property of Republika Srpska.

## **CHAPTER V FORFEITURE OF PROCEEDS OF CRIME**

### **The Basis of the Forfeiture of Proceeds of Crime**

### **Article 83**

- (1) Proceeds, including income and other benefits resulted from proceeds of crime, shall be forfeited.
- (2) The proceeds under paragraph 1 of this Article shall be forfeited by the court decision which established the commission of a criminal offence, under the terms set forth under this Code.
- (3) The court shall render a decision on forfeiture of proceeds of crime in legally prescribed proceedings also when the conduct of criminal proceedings against the offender of criminal offence is not possible due to factual or legal reasons.
- (4) The forfeited proceeds of crime shall not be reduced by the amount of resources invested in criminal activity.

### **Manner of Forfeiting Proceeds of Crime Article 84**

- (1) All the money, valuables and every other type of proceeds of crime shall be forfeited from the offender, and in case the forfeiture is not feasible - the offender shall be obliged to pay an amount of money proportional to the proceeds of crime. Proceeds of crime shall be confiscated from a person to whom they have been transferred without compensation or with a compensation which does not correspond to the real value, if the person knew or should have known that they were proceeds of crime.
- (2) When the proceeds of crime are merged with property gained legally, such property shall be subject to confiscation up to the extent which does not exceed the estimated value of the proceeds of crime.
- (3) Income or other proceeds resulted from proceeds of crime or from the property that the proceeds of crime have been converted to or from the property that was merged with the proceeds of crime, shall be subject to the measures set forth in this Article in the same way and to the same extent as the proceeds of crime.

### **Protection of the Injured Party Article 85**

- (1) If in criminal proceedings a compensation claim of the injured party is awarded, the court shall order seizure of proceeds of crime if it exceeds the adjudicated amount of the compensation claim.
- (2) The injured party who has been referred to civil proceedings in criminal proceedings to pursue his compensation claim, may request that he be reimbursed from the amount of the forfeited value, provided that the civil case is started within six months from the day when the decision by which he was directed to civil proceedings took effect and if he requests to be compensated from the forfeited value within three months the decision awarding him compensation comes into force.
- (3) The injured party who does not file compensation claim in criminal proceedings may request compensation from the forfeited value, if he has initiated civil proceedings within three months from the day of learning of the judgement ordering the forfeiture, but no longer than two years from the day the decision on the forfeiture came into force and if

he requests compensation from the forfeited value within three months from the day when the decision by which his claim was adjudicated.

## **CHAPTER VI LEGAL CONSEQUENCES OF CONVICTION**

### **Legal Consequences of Conviction Article 86**

- (1) Convictions for certain criminal offences or certain punishments may entail as legal consequences the termination or forfeiture of certain rights, or prohibition to acquire certain rights.
- (2) Legal consequences of conviction may not occur when the offender has received a fine or a suspended sentence, or when the court has released him from punishment.
- (3) Legal consequences of conviction may be prescribed only by law and they take effect by the force of the law in which they were set forth.

### **Types of Legal Consequences of Conviction Article 87**

- (1) Legal consequences following conviction relating to the termination or loss of certain rights are the following:
  - 1) Cessation of the performance of certain jobs or functions in the government bodies of Republika Srpska, state bodies, companies or other legal entities;
  - 2) Termination of employment or cessation of the performance of a certain profession, vocation or occupation;
  - 3) Confiscation of permits or licences issued by the competent authorities of Republika Srpska or of a status recognized by a decision of the competent authority;
  - 4) Revocation of decorations.
- (2) Legal consequences of conviction which consist of a prohibition to acquire of particular rights are as follows:
  - 1) Prohibition to perform certain jobs or functions in the government bodies of Republika Srpska, companies or other legal entities;
  - 2) Prohibition to give statements in the press, radio, TV and public events, prohibition to carry out publishing activities or prohibition to be a party to establishment of associations;
  - 3) Prohibition to acquire certain vocation or promotion in service;

4) Prohibition to the acquire certain permits or licenses that are issued by a decision of competent government bodies.

**Beginning and Duration of Legal Consequences of Conviction**  
**Article 88**

- (1) The legal consequences of conviction take effect on the day the verdict becomes final.
- (2) The legal consequences of conviction which consist of a prohibition to acquire certain right may not exceed five years from the day on which the punishment has been served, pardoned or reached the statute of limitation, except for certain legal consequences for which law provides a shorter period of duration.
- (3) The legal consequences of conviction cease by expunging the record.

**CHAPTER VII**  
**REHABILITATION AND REQUIREMENTS FOR RELEASING**  
**INFORMATION FROM CRIMINAL RECORD**

**Rehabilitation**  
**Article 89**

- (1) Rehabilitation expunges the conviction and all its legal consequences cease and the convicted person shall be considered without previous conventions.
- (2)
- (2) Rehabilitation occurs either by virtue of law itself (statutory rehabilitation) or pursuant to court decision issued upon the petition of the convicted person (judicial rehabilitation).
- (3) Statutory and judicial rehabilitation shall not prejudice the rights of third parties deriving from the conviction.
- (1) (4) Following release from the institution where they had served sentences of imprisonment, long-term imprisonment or juvenile imprisonment or after being pardoned or amnestied, or after the punishment was barred by the statute of limitations, convicted persons shall freely enjoy all rights provided by the constitution, law and other regulations, even before the statutory and judicial rehabilitation, except those whose exercise is limited as a result of a security measure imposed on them or a legal consequence of the conviction. This provision also applies to persons on parole.
- (5) Conviction to long-term imprisonment and conviction for a criminal offence against sexual integrity of a child shall not be expunged from criminal records.

**Statutory Rehabilitation**  
**Article 90**

- (1) Statutory rehabilitation may apply only with regard to persons who have not been convicted earlier or are considered not to have been convicted by law.
- (2) By statutory rehabilitation:

1) a sentence by which a person who has committed a criminal offence has been released from punishment shall be expunged from the criminal record, provided he does not commit a new criminal offence within the period of one year from the date of entry into force of the decision.

2) a suspended sentence shall be expunged from the criminal record after the period of one year from the expiration of the probation period has elapsed, unless the person convicted has committed another criminal offence within that period.

3) a sentence of a fine, or a term not exceeding one year of imprisonment shall be expunged from the criminal record after the lapse of the period of three years from the day on which the punishment has been executed, pardoned or amnestied, or barred by the statute of limitations, provided the convicted person does not commit a new criminal offence within that period.

4) the sentences of imprisonment for a term exceeding one year and up to three years, shall be expunged from the criminal record after the lapse of the period of five years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitations, provided that the convicted person does not commit a new criminal offence within that period.

5) the sentences of imprisonment for a term between three years and five years, shall be expunged from the criminal record after the lapse of the period of ten years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitations, provided that the convicted person does not commit a new criminal offence within that period.

6) the sentences of imprisonment for a term over five years but not exceeding ten years, shall be expunged from the criminal record after the lapse of the period of fifteen years from the day on which the punishment has been served, pardoned or amnestied, or has been barred by the statute of limitations, provided that the convicted person does not commit a new criminal offence within that period.

(3) Statutory rehabilitation shall not occur if the additional punishment has not been served, if criminal proceedings for a new criminal offence are ongoing, if proceeds of crime have not been forfeited in full or if the imposed security measures are still in force.

(4) The sentence shall be considered expunged from criminal record at the moment when the requirements for expunging the sentence under provisions of this Article have been met.

## **Judicial Rehabilitation**

### **Article 91**

(1) At the request of the convicted person, the court may grant expunging the conviction of imprisonment for a term exceeding ten years from criminal records if a period of twenty years has expired from the day on which the punishment has been served, pardoned or amnestied, or barred by statute of limitations, provided that the convicted person has not committed a new criminal offence within that period.

(2) In deciding on expunging a conviction, the court shall take into account the conduct of the convicted person after he had served his sentence, the nature of the criminal offence and other circumstances that might be relevant for justification of expunging a

conviction. (3) Judicial rehabilitation shall not be granted if criminal proceedings for a new criminal offence are ongoing or if proceeds of crime have not been forfeited in full.

### **Criminal Record Article 92**

(1) All final and binding verdicts shall be recorded in the criminal records kept by the relevant authority in accordance with the Rulebook on Maintaining Criminal Records enacted by the Minister of Justice.

(2) A separate register for persons who have been imposed final and binding verdict for criminal offences against sexual integrity of a child shall be kept within criminal records. Content, scope of information, their keeping and requirements for providing information from this register shall be regulated in a separate law.

### **Disclosing Information from Criminal Record Article 93**

(1) Information from criminal record may be given to the court, prosecutor and law enforcement authorities in connection with the criminal proceedings conducted against a person convicted previously, to authorities implementing criminal sanctions and to authorities competent to grant amnesty, pardon or expunging the record.

(2) Information from criminal record may be given to state bodies, companies and other legal person upon their justified request if certain legal consequences of the conviction or security measure are still in force or if justified interest for it exists by law.

(3) Disclosing information from the special register for persons who have been imposed final and binding verdict for criminal offences against sexual integrity of a child shall be regulated in a separate regulation. (4) Information about deleted convictions shall not be given to anyone.

(5) Nobody shall have the right to request that citizens submit any evidence of conviction or non-conviction.

(6) Information from criminal record may be given to citizens at their request only if necessary for exercising their rights or interests.

### **Termination of Security Measures and Legal Consequences of Conviction on the Basis of a Court Decision Article 94**

(1) The court may decide to discontinue the application of the security measure of prohibition to carry out a certain occupation, activity or duty, if three years has elapsed from the day on which the security measure took effect.

(2) The court may decide to terminate the legal consequence of a sentence consisting in the bar on the acquisition of a certain right after the lapse of three years from the day on which the punishment has been served, pardoned or amnestied, or barred by the statute of limitations.

(3) In deciding whether to order the termination of a security measure or a legal consequence of a sentence, the court shall take into account the conduct of the convicted person after the conviction, his readiness to compensate for damage caused by the

commission of a criminal offence and to return material gain acquired by the commission of a criminal offence, as well as other circumstances which indicate the justifiability of the termination of a security measure or a legal consequence of a sentence.

(4) The termination of legal consequences following conviction in no way affects the rights of third parties arising from the judgement.

## **CHAPTER VIII STATUTE OF LIMITATIONS**

### **Statute of Limitations on Criminal Prosecution**

#### **Article 95**

(1) , Criminal prosecution shall not be instituted when the following time periods have elapsed since the commission of a criminal offence:

- 1) Thirty years in the case of a criminal offence for which a punishment of long-term imprisonment is prescribed;
- 2) Twenty years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding fifteen years is prescribed;
- 3) Fifteen years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding ten years is prescribed;
- 4) Ten years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding five years is prescribed;
- 5) Five years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding three years is prescribed;
- 6) Three years in the case of a criminal offence for which the punishment of imprisonment for a term exceeding one year is prescribed.
- 7) Two years in the case of a criminal offence for which the punishment of imprisonment for a term not exceeding one year or a fine is prescribed.

(2) If several punishments are prescribed for a single criminal offence, the statute of limitations applicable to the most severe punishment prescribed shall be applied.

### **The Course and Suspension of the Statute of Limitations on Criminal Prosecution**

#### **Article 96**

(1) The statute of limitations on criminal prosecution commences on the day of commission of the criminal offence. If the consequence caused by that offence takes effect later, the statute of limitations of the criminal prosecution shall last from the day the consequence took effect.

(2) The statute of limitations on criminal prosecution for continuous crimes begins at the moment of cessation of unlawful circumstances.(3) The statute of limitation for the criminal offences against sexual integrity, marriage and family committed against a child shall run from the day the victim comes to age.

(4) The running of the period set by statute of limitations is suspended for any time during which the prosecution cannot be legally instituted or continued. (5) The running of

the period set by statute of limitations is interrupted by every motion that relates to the detection and prosecution of the offender on account of the criminal offence committed.

(6) The running of the period set by statute of limitations is also interrupted if the offender, before the period of limitation has elapsed, has committed a new criminal offence. (7) After each interruption, the period set by statute of limitations commences anew.

(7) The period set by statute of limitations to institute criminal prosecution expires in any case when twice as much time lapses as is set by the statute of limitations for the initiation of criminal prosecution.

### **Period Set by Statute of Limitations Regarding the Execution of Punishment Article 97**

The imposed sentence shall not be executed when the following time periods have elapsed:

- 1) Thirty years if a punishment of long-term imprisonment has been imposed;
- 2) Twenty years if a punishment of imprisonment for a term exceeding fifteen years has been imposed;
- 3) Fifteen years if the punishment of imprisonment for a term exceeding ten years has been imposed;
- 4) Ten years if the punishment of imprisonment for a term exceeding five years has been imposed;
- 5) Five years if the punishment of imprisonment for a term exceeding three years has been imposed;
- 6) Three years if the punishment of imprisonment for a term exceeding one year has been imposed
- 7) Two years if the punishment of imprisonment for a term not exceeding one year or a fine has been imposed.

### **Period Set by Statute of Limitations Regarding the Execution of Additional Punishments and Security Measures Article 98**

(1) The execution of a fine as an additional punishment shall be barred after the lapse of five years from the date of entry into force of the judgement whereby such punishment has been imposed.

(2) The execution of the security measures shall be barred after the lapse of five years from the date of entry into force of the judgement whereby these measures have been ordered.

### **The Running and Interruption of the Period Set by Statute of Limitations Regarding the Execution of Punishments Article 99**

(1) The running of the period set by statute of limitations to execute the punishment commences on the date of entry into force of the judgement whereby such punishment

has been imposed, and in the case of the revocation of a suspended sentence, on the date of entry into force of the decision on the revocation of a suspended sentence.

(2) The period set by statute of limitations shall not run during the time the punishment cannot be executed pursuant to law.

(3) The running set by statute of limitations is interrupted with every action of a competent body taken in regard to execution of the punishment.

(4) After each interruption, the period set by statutes of limitation shall commence anew.

(5) The period set by statute of limitations to execute the punishment shall expire in any case when twice as much time lapses as is set by the statute of limitations for the execution of punishments but it shall not be applied if the sentence is being served.

(6) The provisions of paragraphs 2, 3, 4, and 5 of this Article shall be applied accordingly to bar the execution of security measures.

## **CHAPTER IX AMNESTY AND PARDON**

### **Amnesty Article 100**

By an amnesty, the persons covered by it are given a release from prosecution or complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one, expunging the record, or cancellation of legal consequences of conviction.

### **Pardon Article 101**

(1) By means of pardon, the specifically designated persons are given a complete or partial release from the execution of punishment, substitution of the imposed punishment by a less severe one or suspended sentence, expunging the record, or annulment or shortening the duration of the security measure or a certain legal consequence following conviction.

(2) A pardon for the criminal offences punishable by long-term imprisonment shall not be granted before the convict has served two thirds of the term.

### **Impact of Amnesty and Pardon on Third Parties' Rights Article 102**

Granting amnesty or pardon shall in no way affect the rights of third parties that arise from the sentence of conviction.

## **CHAPTER X** **LIABILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES**

### **Liability of Legal Persons** **Article 103**

- (1) Chapter X of this Code regulates criminal liability of a legal person, excluding Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Brčko District of Bosnia and Herzegovina, and any canton, city, municipality and local community, for a criminal offence, committed in the name of, on account of or in favour of the legal person.
- (2) The application of some punishments or other criminal sanctions imposed on legal persons may be excluded or limited under the conditions stipulated by this Code.
- (3) Provisions of the General Part of this Code shall be applied accordingly unless otherwise provided in Chapter X of this Code.
- (4) The criminal procedure against legal persons shall be conducted in accordance with Criminal Procedure Code of Republika Srpska.

### **Application of this Code to Legal Person According to the Place of Commission of Criminal Offence** **Article 104**

- (1) Pursuant to this Code, national and foreign legal persons shall be liable for criminal offences committed within the territory of the Republika Srpska.
- (2) Pursuant to this Code, national and foreign legal persons, which have its head office in the territory of Republika Srpska or if they carry out its activities in the territory of the Republika Srpska, shall also be liable for a criminal offence committed outside the territory of the Republika Srpska if the offence was committed against Republika Srpska, its citizens or national legal persons.
- (3) Pursuant to this Code, a domestic legal person shall also be liable for a criminal offence perpetrated outside the territory of Republika Srpska against a foreign state, foreign citizens or foreign legal persons, under conditions referred to under provisions of Article 12 of this Code.

### **Basis of Liability of a Legal Person** **Article 105**

For a criminal offence committed in the name of, on account of or for the benefit of the legal person, the said legal person shall be liable:

- 1) when the purpose of the criminal offence arises from any decision, order or permission of its managerial or supervisory bodies; or
- 2) when its managerial or supervisory bodies have influenced the offender or enabled him to commit the criminal offence; or
- 3) when a legal person disposes of illegally obtained property or uses any objects acquired in a criminal offence; or

- 4) when its managerial or supervisory bodies have failed to carry out proper supervision of the legality of the work of its employees.

### **Limits of Liability of a Legal Person**

#### **Article 106**

- (1) In addition to the conditions referred to under provisions of Article 105 of this Code, a legal person shall also be liable for a criminal offence when the offender is not himself culpable for such offence.
- (2) The liability of the legal person shall not exclude criminal liability of physical or responsible persons for the committed criminal offence.
- (3) For criminal offences due to negligence, a legal person may be liable under the conditions referred to in Article 105, item 4) of this Code, and in such case the legal person may be punished more leniently.
- (4) When, within the legal person there is no other individual person or body except the offender himself, which could direct or supervise the offender, the legal person shall be liable for the criminal offence within the limits of the offender's liability.

### **Liability of a Legal Person while Changing the Status**

#### **Article 107**

- (1) A legal person in bankruptcy may be culpable of a criminal offence regardless of the fact that the criminal offence was committed before the beginning of bankruptcy proceedings or in the meantime, but no punishment may be imposed on a legal person in bankruptcy, save for the security measure of forfeiture or the confiscation of proceeds of crime.
- (2) In the event that the legal person has ceased to exist before criminal proceedings are completed with a finally binding judgement, and in those criminal proceedings that legal person was found criminally liable, punishments and other criminal sanctions shall be imposed on the legal person which is its legal successor, if its managerial or supervisory bodies had knowledge of the committed criminal offence before the cessation of the existence of the legal person.
- (3) The security measure of forfeiture of property or proceeds of crime shall be imposed upon the legal person, which is the legal successor of the convicted legal person, if its management or supervisory bodies had knowledge of the committed criminal offence.
- (4) In the event of the legal person ceasing to exist upon the completion of criminal proceedings, the criminal sanction shall be executed pursuant to the provisions of paragraphs 2 and 3 of this Article.

### **Liability of a Legal Person for an Attempt**

#### **Article 108**

- (1) Where a legal person commences a planned criminal offence, but does not complete such offence, under the conditions referred to under provisions of Article 105 of this Code, the legal person shall be liable where the law prescribes that the attempt is so punishable.
- (2) The legal person shall be punished for any attempt as a full criminal offence, but may be punished less severely.

(3) Where the managerial or supervisory authorities of the legal person have prevented the offender from completing the full criminal offence, the legal person may be released from punishment.

### **Complicity of Legal Persons Article 109**

(1) Where two or more legal persons are found to have participated in the commission of a criminal offence, each legal person shall be subject to liability pursuant to Article 105 of this Code.

(2) Where there is complicity involving legal persons under paragraph 1 of this Article, each separate legal person shall be held accountable in the same way as if it were the only legal person culpable of the offence.

### **Mitigation in the Punishment of Legal Person or Release from Punishment Article 110**

(1) A legal person, whose managerial or supervisory authority reports the offender for a criminal offence, may be punished less severely.

(2) A legal person whose managerial or supervisory authority, following the commission of a criminal offence, decides to return the proceeds of crime, to remove any harmful effects or to communicate information on the grounds for holding other legal persons responsible, may be released from punishment.

### **Punishment of Legal Persons Article 111**

The following types of punishment may be imposed upon legal persons:

- 1) fines;
- 2) forfeiture of property;
- 3) dissolution of the legal person.

### **Fines on Legal Persons Article 112**

(1) Fines to be imposed on a legal person shall be no less than BAM 5,000.00 and shall not exceed BAM 5,000,000.00.

(2) Where, in committing any criminal offence, the legal person has caused material damage to another party or has in any way benefited from such offence, the scope of the fine imposed may be twice the amount of the said damage or benefit.

(3) If a fine is not paid within the deadline set forth in the verdict, the procedure for forcible collection shall be implemented immediately.

### **Forfeiture of Property** **Article 113**

- (1) Forfeiture of property may be imposed for any criminal offences punishable by a term of imprisonment of five years or more.
- (2) At least half of the property or the major part of the property or the entire property may be forfeited where activities of a legal person are wholly or partly used for the purpose of committing a criminal offence.
- (3) In the event of bankruptcy proceedings as a consequence of the aforesaid forfeiture, the creditors shall be permitted to settle their claims out of the so forfeited bankruptcy assets.

### **Dissolution of the Legal Person as a Punishment** **Article 114**

- (1) Dissolution of a legal person may be imposed where its activities are wholly or partly used for the purpose of committing a criminal offence.
- (2) In addition to dissolution of a legal person, forfeiture of property may be imposed.
- (3) In addition to the dissolution of a legal person, the court shall order liquidation proceedings.
- (4) Creditors may be paid from the property of the legal person so dissolved.

### **Imposition of Punishment on Legal Persons** **Article 115**

- (1) When imposing punishment on a legal person, in addition to the general principles on the imposition of punishments, the economic power of the legal person shall be taken into account.
- (2) When imposing a fine for a criminal offence for which, in addition to a fine, property is forfeited, such fine shall not exceed one half of the legal person's property value.

### **Security Measures of Legal Persons** **Article 116**

In addition to the security measure of forfeiture of this Code, the following security measures may be imposed for criminal offences committed by legal persons:

- a) a publication of verdict;
- b) a ban on the performance of certain economic activities.

### **Publication of Verdict** **Article 117**

- (1) The security measure of a verdict publication shall be ordered where it is in the public interest to learn of such conviction, particularly where its publication could result in the removal of a threat to people's life and health, safety of traffic or the general economy.

(2) In deciding the significance of any particular criminal offence, the court shall also take into account the need for the public to learn about the verdict, the need for the verdict to be published in the printed media, by way of radio or television or in all branches of the media and at the same time to decide whether the verdict should be published wholly or in part. The court shall ensure that, whatever the method of publication, all those concerned by or in the verdict shall be informed.

### **Ban on Certain Activities Article 118**

(1) In ordering the security measure of a ban on certain activities, the court may prohibit a legal person from manufacturing certain products or performing certain businesses, performing trade activities in certain commodities or from performing any other activity.

(2) The security measure under paragraph 1 of this Article may be imposed on a legal person if its further performance of a particular activity would be likely to present a threat to the safety or lives of people, be prejudicial to the economic and financial operation of other persons or to the national economy in general, or if the said legal person has already been sentenced for the same or a similar criminal offence over the past two years preceding the commission of the criminal offence.

(3) The security measure under paragraph 1 of this Article may be imposed for a period of one year to five years, commencing on the day of the entering into force of the verdict.

### **Forfeiture of Proceeds of Crime from Legal Person Article 119**

Where a legal person acquires material gain through the commission of a criminal offence, any proceeds from that offence shall be forfeited.

### **Legal Consequences Following Conviction for a Legal Person Article 120**

(1) Legal consequences following conviction of a legal person are:

- 1) Prohibition of work based on a permit, authorization or concession issued by the state authorities;
- 2) prohibition of work based on a permit, authorization or concession issued by the institutions of Republika Srpska.

(2) Legal consequences following conviction of a legal person may take effect even when a fine has been imposed on that legal person for the commission of a criminal offence.

### **Application of the Statute of Limitations Regarding the Institutions of Prosecution and Execution of Criminal Sanctions Imposed on Legal Persons Article 121**

(1) Article 95 of this Code shall be applied to bar prosecution of a legal person in the event of lapse of time.

(2) The execution of a sentence imposed on the legal person shall become time-barred when the following periods from the date of the entry into force of the judgement, whereby such punishment has been imposed, have elapsed:

- 1) Five years for the payment of a fine;
- 2) Ten years for execution of forfeiture of property and of dissolution of the legal person.
- (3) The execution of a security measure shall become time-barred after the lapse of three years from the date of entry into force of the verdict whereby such security measure was imposed.

### **Laws Prescribing the Criminal Offences of Legal Persons** **Article 122**

Legal persons may be held accountable for criminal offences defined in this Code and other criminal offences defined by laws of Republika Srpska.

## **CHAPTER XI** **MEANING OF TERMS AS USED IN THIS CODE** **Meaning of Terms** **Article 123**

(1) The terms used in this Code have the following meaning:

- 1) the territory of Republika Srpska is meant to be the land and water surfaces within its borders and the air space over them.
- 2) the criminal legislation of the Republika Srpska comprises this Code and all criminal justice provisions contained in other laws of Republika Srpska.
- 3) *An official person means:* a person elected or appointed to legislative, executive or judicial office, local self-governance unit or other governmental and public institutions or services which perform particular administrative, expert and other duties, within the rights and responsibilities of the authority who has founded them; a judge of the Constitutional Court, a judge, a prosecutor and an attorney general; a person who continuously or occasionally executes official duty in the mentioned public bodies or institutions; notary public, executor or arbiter, an authorized person in a company or another legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the scope of the relevant authority on the basis of law or contract on arbitration; and other persons who are performing official duties on the basis of the authority stipulated by law or other regulations based on the law or other regulations originating from the law and a person who was actually entrusted with execution of certain official duties.
- 4) When an official or a responsible person has been indicated as the perpetrator of a particular criminal offence, all those persons may be considered the perpetrators of such offences provided that it does not follow from the characteristics of a particular criminal offence or particular prescript that their perpetrator may only be one of the specified persons.
- 5) *A foreign official person* means a member of a legislative, executive, administrative or judicial body of a foreign state, a public official person of an international organization and its bodies, a judge or other official person of an international court, serving in

Republika Srpska with or without remuneration. A foreign official person means a member, functionary or official of a legislative or executive body of a foreign state, a person who is a judge, juror, member, functionary or other official person of a court of a foreign country or an international court, prosecutor, member, functionary or other official person of an international organization or of its bodies, a person who is an arbiter in a foreign or international arbitration, as well as other foreign person who performs particular official duty on the basis of law or other regulations based on the law and a person who was actually entrusted with execution of certain official duties in Republika Srpska for a foreign person (owners, co-owners, representatives of companies in Republika Srpska).

6) A *responsible person* means a person in a legal person who, on the basis of law, regulations or authorization, performs particular duties related to management, supervision and other duties under the scope of legal person's activities, as well as a person who was actually entrusted with execution of those duties. Official persons are also considered responsible persons when the actions, in which the offender has been indicated as the responsible person, are at issue, and at the same time are not stipulated as criminal offence in this Code by provision of the chapter dealing with criminal offences against official and other responsible duty, or as criminal offences of an official person.

7) *Child as victim of a criminal offence* means a person under 18 years of age

8) Several persons mean at least two persons.

9) A *group of people* consists of at least three individuals that are associated for the purpose of occasional or habitual commission of criminal offences, which may not have defined roles of its members, continuity of membership or developed structure.

10) A *structured criminal group* is an association of three or more persons that is formed for the purpose of commission of criminal offences for which a punishment of imprisonment of three years or a more severe punishment is prescribed. The stated number of members includes the organizer or the head of the group.

11) A *secret of Republika Srpska* is so construed that it includes information or documents that have been designated as secret by virtue of a law, some other regulation or general enactment of the competent body made on the basis of the law, and disclosure of which would cause detrimental consequences for national security or interests of Republika Srpska.

12) An *official secret* is so construed that it includes information or documents that have been designated as official secret by virtue of a law of Republika Srpska, a regulation of Republika Srpska or a general enactment of the competent institution of Republika Srpska made on the basis of law.

13) *Professional secret* is a piece of information about personal or family life of clients or patients that attorneys, defence counsel, notaries public, physicians, or other medical employees, confessors and other professionals get to know in the course of discharging their professional duties.

14) *Trade secret* is so construed that it includes information or documents that have been defined as trade secret by virtue of a law, some other regulation or a decision of competent body, and disclosure of which would or might cause detrimental consequences for the company or legal person.

15) A *document* denotes any object that is suitable or designed to serve as evidence of some fact relevant to legal relations.

16) *Money* denotes coins and banknotes, which are legal tender in Bosnia and Herzegovina or in a foreign country.

17) *Instruments of monetary value* also include foreign instruments of monetary value as well as national and foreign postage stamps not in use any more.

18) A *movable object* also includes any manufactured or accumulated energy used for producing light, heat or movement, and telephone and other impulses as well as any registered information that is the result of electronically processed information (computer data or programme).

19) *Force* also includes the use of hypnosis or the use of intoxicating substances for the purpose of bringing a person against his will into a state of unconsciousness, or incapacity for resistance.

20) A *motor vehicle* is so construed that it includes every engine-run means for land, water and air traffic.

21) *Hate crime* is an offence entirely or partly perpetrated against a person for reasons of racial, national or ethnic origin, language, religious beliefs, colour, sex, or sexual orientation, health or gender identity of a person.

22) When the action of the criminal offence is specified with a continuous verb, the criminal offence exists if the action was taken one or more times.

23) The term “*shall not be punished*” means that criminal offence does not exist in that case.

24) *Proceeds of crime* means direct economic benefit from a criminal offence which consists of any increase or prevention of decrease of property obtained through commission of criminal offence, as well as the property that direct proceeds of crime are transferred to or changed into and any other benefits gained from direct proceeds of crime or from the property that direct proceeds of crime are transferred to or changed into, regardless if it is in the territory of Republika Srpska or outside of it.

25) *Property* means any type of assets, regardless if it is tangible or intangible assets, movable or immovable property or legal documents or instruments proving right on such property.

(2) Grammatical terms used to denote a male or female gender include both sexes and shall be used in the appropriate grammatical gender in the application of this Code.

## **SPECIAL PART**

### **CHAPTER XII CRIMES AGAINST LIFE AND LIMB**

#### **Murder Article 124**

(1) Whoever deprives another person of his life shall be punished by imprisonment for a minimum term of five years.

(2) If the criminal offence under the preceding paragraph has been committed under particularly mitigating circumstances, the offender shall be punished by imprisonment for a term of between one and eight years.

**Murder (First Degree Murder)**  
**Article 125**

(1) The punishment of imprisonment for a minimum term of ten years or long term imprisonment shall be imposed on a person who:

- 1) cruelly or insidiously deprives another person of his life;
- 2) deprives another person of his life through greed, to commit or cover up another criminal offense, ruthless revenge, hatred or for any other base motive;
- 3) deprives of life a family member who has been previously abused by the offender
- 4) deprives another person of his life while acting ruthlessly and violently;
- 5) deprives another person of his life and in doing so intentionally endangers the life of another person;
- 6) commits premeditated killing of two or more human beings, which is not voluntary manslaughter, infanticide or killing under particularly mitigating circumstances (Article 124, paragraph 2);
- 7) who kills a child, or a pregnant woman knowing that she is pregnant,
- 8) who kills a judge or prosecutor in relation to their function or an official or a military person in the exercise of their duties of security, while keeping peace and order or apprehending an offender or guarding any person deprived of freedom,
- 9) deprives another person of his life while committing criminal offence of aggravated robbery or robbery.

(2) The punishment under paragraph 1 of this Article shall also be imposed upon offenders when a murder is committed by an organized group or has been ordered.

**Homicide Caused by Irresistible Impulse (Voluntary Manslaughter)**  
**Article 126**

Whoever kills a human being, having been innocently provoked into a state of extreme anger or terror by the victim's attack, torture or serious insult, shall be punished by imprisonment for a term of between two and twelve years.

**Infanticide**  
**Article 127**

A mother who kills her newly born child at birth or immediately thereafter, under the influence of a condition that is caused by childbirth, shall be punished by imprisonment for a term of between one and five years.

**Negligent Homicide**  
**Article 128**

Whoever kills a human being through negligence shall be punished by imprisonment for a term of between two and eight years.

**Incitement to Suicide and Assistance in Suicide**  
**Article 129**

(1) Whoever induces another to commit suicide or renders assistance in committing suicide, and the suicide is thereby committed or attempted, shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever brutally or inhumanely treats a person who is in any way subordinate to, or dependent on, him, as a result of which that person commits suicide that may be attributed to the negligence of the offender, shall be punished pursuant to paragraph 1 of this Article.

(3) Whoever commits an offence under paragraph 1 of this Article against a person whose ability to understand the meaning of his actions or to control his actions was substantially diminished, shall be punished by imprisonment for a term of between two and ten years.

(4) Whoever commits an offence under paragraph 1 of this Article against a child or against a person who was unable to understand the meaning of his actions or control his actions, shall be punished by imprisonment of at least five years.

(5) Whoever assists another in committing suicide under particularly mitigating circumstances, shall be punished by a fine or imprisonment for a maximum term of three years.

(6) If, as a result of an offence under paragraphs 1 to 4 of this Article, suicide has been only attempted, the court may impose reduced punishment on the offender.

**Illegal Abortion**  
**Article 130**

(1) Whoever, in contravention of abortion regulations, performs an abortion on a pregnant woman with her consent, commences performing abortion, or assists her in procuring her own miscarriage, shall be punished by a fine or imprisonment for a term not exceeding three years.

(2) Whoever practices offences under paragraph 1 of this Article shall be punished by imprisonment for a term of between two and five years.

(3) Whoever performs or commences performing an abortion on a pregnant woman without her consent, or, where a pregnant woman is less than 16 years old, whoever performs or commences performing an abortion on her without consent of her parent, adoptive parent or guardian, shall be punished by imprisonment for a term of between three and eight years.

(4) If grievous bodily harm, serious illness or the death of any pregnant woman occurs as a result of any offence under paragraphs 1 and 3 of this Article, the offender shall be punished for an offence under paragraph 1 by imprisonment for a term of between one year and five years, and for an offence under paragraph 3 by imprisonment for a term of between three and twelve years.

(5) The attempt of the crime under paragraph 1 of this Article is punishable.

**Bodily Harm**  
**Article 131**

- (1) Whoever inflicts bodily harm upon another person or impairs his health, shall be punished by a fine or imprisonment for up to one year.
- (2) If the injury under paragraph 1 of this Article was inflicted by a weapon, dangerous tools or other means suitable for inflicting serious injuries or seriously impairs health, the offender shall be punished by a fine or imprisonment for a maximum term of three years.
- (3) Prosecution of the offence from paragraph 1 of this Article shall be initiated upon filed motion.

**Grievous Bodily Injury**  
**Article 132**

- (1) Whoever inflicts grievous bodily injury upon another person or gravely impairs his health, shall be punished by imprisonment for a term of between one year and five years.
- (2) Whoever inflicts bodily injury upon another person or impairs his health in such a serious manner that the injured person is endangered, if an important part or organ of his body is destroyed or permanently weakened to a substantial degree, if the injured person's earning ability has been impaired permanently or if permanent and serious damage to his health or disfigurement takes place or if the offence was perpetrated out of hatred, shall be punished by imprisonment for a term of between two and eight years.
- (3) If an offence under paragraphs 1 and 2 brings about the death of the victim, the offender shall be punished by imprisonment for a term of between three and twelve years.
- (4) Whoever commits an offence under paragraphs 1 and 2 of this Article through negligence, shall be punished by imprisonment for a term between six months and three years.
- (4) Whoever commits the acts referred to in Paragraphs 1 through 3 in a fit of passion after having been provoked without his own fault into the state of intense irritation by the victim's attack, serious abuse or serious insult, shall be punished for the criminal offence referred to in paragraphs 1 and 2 by imprisonment for a term not exceeding three years, and for the criminal offence referred to in paragraph 3 by imprisonment for a term between six months and five years.

**Female Genital Mutilation**  
**Article 133**

- (1) Whoever completely or partially removes or permanently changes the external parts of genital organ of a female person shall be punished by imprisonment for a term of between six months and five years.
- (2) Whoever incites a female to be subjected to actions referred to in paragraph 1 of this Article shall be punished by imprisonment for a term not exceeding three years.

(3) If the offence under paragraph 1 of this Article has been committed out of hatred, against a child or if permanent damage to health of a woman was inflicted, the offender shall be punished by imprisonment for a term of between one year and eight years.

(4) If the offence under paragraph 1 of this Article brings about the death of a female person, the offender shall be punished by imprisonment for a term of between two and twelve years.

(5) If the offence under paragraph 1 of this Article has been committed under particularly mitigating circumstances, the offender shall be punished by imprisonment for a term not exceeding one year.

### **Forced Sterilization Article 134**

(1) Whoever performs a surgery on another person for the purpose of prevention of natural reproduction, without consent of that person, shall be punished by imprisonment for a term of between one year and eight years.

(2) If the offence under paragraph 1 has been committed against a child, the offender shall be punished by imprisonment for a term of between two and ten years.

### **Participation in a Fight Article 135**

(1) Whoever participates in a fight which results in the death of any person, or in the infliction of grievous bodily harm to any person, shall be punished for mere participation by imprisonment for a term of between six months and five years.

(2) The criminal offence under paragraph 1 of this Article does not exist if a person is involved in the fight through no fault of his or defended himself or tried to separate the persons fighting.

### **Exposure to Danger Article 136**

(1) Whoever leaves another person without help in circumstances dangerous to life or health, which he himself has caused, shall be punished by imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 above results in grievous bodily injury or grave impairment to health of the person, the offender shall be punished by imprisonment for a term of between one year and five years.

(3) If any offence under paragraph 1 above results in the death of the person, the offender shall be punished by imprisonment for a term of between two and ten years.

### **Abandonment of a Helpless Person Article 137**

(1) Whoever leaves a helpless person who has been entrusted to his care or a person he has the obligation to take care of without assistance in a condition or circumstances

dangerous to life or health, shall be punished by imprisonment for a term of between six months and three years.

(2) If any offence under paragraph 1 above results in grievous bodily injury or grave impairment to health of the helpless person, the offender shall be punished by imprisonment for a term of between one year and five years.

(3) If any offence under paragraph 1 above results in the death of the helpless person, the offender shall be punished by imprisonment for a term of between two and ten years.

### **Failure to Render Help**

#### **Article 138**

(1) Whoever leaves another person without helping them in life-threatening circumstances, although he could have rendered help without any risk to himself and others, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 of this Article results in grievous bodily injury of the person in life-threatening circumstances, the offender shall be punished by imprisonment for a term between of six months and three years.

(3) If any offence under paragraph 1 of this Article results in the death of the person in life-threatening circumstances, the offender shall be punished by imprisonment for a term of between one year and five years.

## **CHAPTER XIII**

### **CRIMINAL OFFENCES AGAINST FREEDOM AND RIGHTS OF CITIZENS**

#### **Infringement of the Equality of Individuals**

##### **Article 139**

(1) Whoever, on the grounds of race, skin colour, religion, sex, gender or gender identity, language, political or other belief, sexual orientation, national or ethnic background, financial situation, birth or social origin, education or social status or some other personal characteristics, denies or restricts the freedom or rights as provided for by the Constitution, any law or any ratified international treaty, or, whoever on the grounds of these differences grants unjustified privileges or favours to any person, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) The punishment under paragraph 1 of this Article shall also be applied to persons who persecute individuals or organizations that advocate equality.

(3) If any criminal offence under paragraphs 1 and 2 is committed by an official person by abuse of official position or authority, the offender shall be punished by imprisonment for a term between six months and five years.

#### **Infringement of the Right to Language and Alphabet**

##### **Article 140**

(1) Whoever restricts or denies any citizen the right to free use of his language or alphabet enshrined in the Constitution, any law or any ratified treaty, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any criminal offence under paragraph 1 is committed by an official person by abuse of official position or authority, the offender shall be punished by a fine or imprisonment for a maximum term of two years.

**Coercion**  
**Article 141**

(1) Whoever by force or serious threat coerces a person into doing or not doing some act or suffering, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever commits the criminal offence under paragraph 1 of this Article by a threat of murder, grievous bodily harm or abduction or who commits the said offence as one of a group of people or criminal organization, shall be punished by fine or imprisonment for a maximum term of three years.

**Abduction**  
**Article 142**

(1) Whoever, by force, threat, deceit or any other method, takes away or keeps another with the intention of extorting money or any other material advantage from him or another person or of coercing him or another person into doing or not doing some act or suffering, shall be punished by imprisonment for a term of between one to eight years.

(2) Whoever commits an offence under paragraph 1 of this Article against a child or in a cruel way or threatens to kill or inflict grievous harm upon the abducted person or who commits the said offence as one of a group of people or organized criminal group, shall be punished by imprisonment for a term of between one to ten years.

(3) The sentence under paragraph 2 of this Article shall be imposed where the abducted person is kept for more than fifteen days or if grave impairment of his health or any other serious consequences ensue.

(4) If the act under paragraph 1, 2, and 3 of this Article results in the death of the person abducted, the offender shall be punished by imprisonment for a term of between two and fifteen years.

(5) Any offender under paragraphs 1, 2 and 3 of this Article, who voluntarily releases the hostage before his demands are satisfied, may be released from punishment.

**Unlawful Deprivation of Freedom**  
**Article 143**

(1) Whoever unlawfully imprisons another person, keeps him imprisoned or otherwise restricts his freedom of movement, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any criminal offence under paragraph 1 is committed by an official person by abuse of official position or authority, he shall be punished by a fine or imprisonment for a maximum term of three years.

(3) If the unlawful deprivation of freedom under paragraphs 1 and 2 is committed against a child or lasts for more than fifteen days, or if cruelty is involved, or if grave impairment

to a person's health or other serious consequences ensue, the offender shall be punished by imprisonment for a term of between one and five years.

(4) If the person who is illegally deprived of freedom loses his life as a result of any criminal offence under paragraphs 1, 2 and 3 of this Article, the offender shall be punished by imprisonment for a term of between two and twelve years.

(5) An attempt of a criminal offence under paragraphs 1 and 2 is punishable.

### **Stalking Article 144**

(1) Whoever persistently or over a longer period follows or stalks another person or attempt to establish or establishes undesired contact with that person directly or through a third person or in a different way causes changes in the life routine of that person, anxiety or fear for personal safety and safety of persons close to him, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any criminal offence under paragraph 1 of this Article is committed against the spouse or ex- spouse or unwed partner or former unwed partner, against a person that the offender has had an intimate relationship with or against a child, the offender shall be punished by imprisonment for a term of between six months and three years.

### ***Trafficking in Human Beings* Article 145**

(1) Whoever, by force or threat or other forms of coercion, abduction, fraud or deception, abuse of authority or influence, abuse of relationship of trust, dependence or vulnerability, difficult circumstances of another person, by giving or receiving of money or other benefits in order to obtain consent of a person who has control over another person, recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, receives or keeps a person for the purpose of the use or exploitation of that person's labour, perpetration of a criminal offence, prostitution, use for pornographic purposes, establishment of slavery or a similar relationship, forced marriage, forced sterilization, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than three years.

(2) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraph 1 of this Article, shall be punished by imprisonment for a term between two and twelve years.

(3) If the criminal offence referred to in paragraphs 1 and 2 of this Article was perpetrated as member of an organized criminal group, the perpetrator shall be punished by imprisonment for a term of not less than five years.

(4) Whoever uses, or enables other person to use sexual services or other forms of exploitation, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term between six months and five years.

(5) If the offence referred to in paragraphs 1, 2, 3, and 4 of this Article is perpetrated by an official person in the exercise of duty, he shall be punished by imprisonment for a minimum term of eight years.

(6) If the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(7) The consent of the victim to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of the criminal offence of human trafficking.

(8) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

(9) When the victim of human trafficking is forced by the offender of criminal offence to participate in commission of another criminal offence, the criminal proceedings shall not be conducted against him if such action has been a direct consequence of his status of a victim of human trafficking.

### **Trafficking in Children Article 146**

(1) Whoever recruits, transports, transfers, delivers, sells, purchases, intermediates in sale, harbours, keeps or receives a child with the purpose of use or exploitation of his labour, perpetration of a criminal offence, prostitution or other uses of sexual exploitation, pornography, establishment of slavery or similar relationship, forced marriage, forced sterilization, illegal adoption or a similar relationship, for the purpose of the removal of organs or body parts, for the use in armed forces or of some other type of exploitation, shall be punished by imprisonment for a term of not less than five years.

(2) Whoever perpetrates the offence referred to in paragraph 1 of this Article by use of force, serious threat or other forms of coercion, by deception, abduction, blackmail, abuse of office, abuse of relationship of trust, dependence of vulnerability, difficult circumstances of another person, by giving money or other benefits in order to obtain consent of a person who has control over another person, shall be punished by imprisonment for a term of not less than eight years.

(3) Whoever uses, or enables other person to use sexual services or other forms of exploitation of a child, and was aware that it concerns the victim of the human trafficking, shall be punished by imprisonment for a term of not less than five years.

(4) Whoever seizes, holds or counterfeits or destroys personal identification documents with the purpose of perpetrating criminal offences referred to in paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term between three and fifteen years.

(5) If the criminal offence referred to in paragraphs 1, 2, 3, and 4 of this Article was perpetrated as member of an organized criminal group, the perpetrator shall be punished by imprisonment for a term of not less than ten years.

(6) If the offence referred to in paragraphs 1, 2, 3, and 4 of this Article is perpetrated by an official person in the exercise of duty, he shall be punished by imprisonment for a minimum term of eight years.

(7) If the criminal offence referred to in paragraphs 1 and 3 of this Article caused grievous bodily harm, serious health damage, or the death of one or more persons, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

(8) The consent of the minor to any form of exploitation referred to in paragraph 1 of this Article shall bear no relevance to the existence of this criminal offence.

(9) Items, vehicles and facilities used for the perpetration of the offence referred to in this Article shall be seized.

(10) When the victim of child trafficking is forced by the offender of criminal offence to participate in commission of another criminal offence, the criminal proceedings shall not be conducted against the child if such action has been a direct consequence of his status of a victim of child trafficking.

**Association for the Purpose of Perpetration of Criminal Offences of Human Trafficking or Trafficking in Children**  
**Article 147**

(1) Whoever organizes a group or organized criminal group for the purpose of perpetration of the criminal offences referred to in Articles 144 and 145 of this Code, shall be punished by imprisonment for a term between three and fifteen years.

(2) Whoever becomes the member of a criminal group or organized criminal group referred to in paragraph 1 of this Article or otherwise assists the group or organized criminal group, shall be punished by imprisonment for a term between one and ten years.

**Prevention of Return of Refugees and Displaced Persons**  
**Article 148**

(1) Whoever by use of force, serious threat or other illegal means, prevents refugees and displaced persons from returning to their homes of origin or any other place in Republika Srpska or from having use of their property, shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever acts as a party to organized prevention or a group of people in committing a criminal offence under paragraph 1 of this Article, or if grievous bodily harm is inflicted upon another, shall be punished by imprisonment for a term of between one and eight years.

(3) If a person loses his life as a result of any criminal offence under paragraphs 1 and 2, the offender shall be punished by imprisonment for a minimum term of ten years.

**Abuse, torture, and other inhuman and degrading treatment**  
**Article 149**

(1) Whoever abuses another person or treats him in a manner that degrades human dignity shall be fined or punished by an imprisonment for a term not exceeding two years.

(2) Whoever by applying force, threat or other illicit manner inflicts on another person serious pain or serious suffering for such purposes as to obtain from him or a third person a confession, statement or information or to have him or a third person intimidated or illegally punished, or does that for any other reason based on any form of discrimination, shall be punished by imprisonment for a term between six months and five years.

(3) If the offence referred to in paragraphs 1 and 2 of this Article is perpetrated by an official in exercise of duty, he shall be punished for the criminal offence referred to in paragraph 1 of this Article by imprisonment for a term between six months and five

years, and for the criminal offence referred to in paragraph 2 of this Article by imprisonment for a term between one year and ten years.

### **Imperiling Security Article 150**

(1) Whoever threatens the security of another by way of a serious threat to kill him or a person close to him, or inflict grievous bodily harm, deprive of freedom or abduct or inflict harm by arson, explosive or any other action or device dangerous to the public, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If the criminal offence under paragraph 1 is committed against an official person in relation to his duty or against a number of persons or if the offender commits the said offence as one of a group of people or organized criminal group of people, the offender shall be punished by imprisonment for a term of between six months and three years.

(3) Prosecution of the criminal offence under paragraph 1 of this Article shall be carried only upon motion.

### **Infringing the Inviolability of Dwelling Article 151**

(1) Whoever enters without authorization into an apartment or closed premises of another, or fails to leave them at the request of the authorized person, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be applied to anyone who conducts an illegal search of an apartment or premises under paragraph 1 of this Article.

(3) If any criminal offence under paragraph 1 of this Article has been committed by an official by abuse of his position or authority, the offender shall be punished by imprisonment of six month to three years.

(4) An attempt of a criminal offence under paragraphs 1, 2 and 3 is punishable.

### **Illegal Search Article 152**

(1) Whoever conducts an illegal search of a person or his belongings, shall be punished by imprisonment for a maximum term of one year.

(2) If the criminal offence under paragraph 1 of this Article has been committed by an official by abuse of his position or authority, the offender shall be punished by a fine or imprisonment for a maximum term of three years.

(3) An attempt of the criminal offence under paragraph 1 and 2 of this Article is punishable.

### **Violation of Secrecy of Letters and Other Consignments Article 153**

(1) Whoever, without authorization, opens any letter, telegram or any other sealed, written material or consignment belonging to another, or in any other way breaches its

confidentiality or withholds it, without authorization, or who conceals, destroys or delivers to the wrong person any letter, telegram, sealed written material or consignment belonging to another,

shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever, with the intention of gaining a benefit for himself or another, or for the purpose of inflicting damage to another, communicates or utilizes the content of a letter, telegram or any other sealed, written material or consignment belonging to another he gets to know by violating their secrecy, shall be punished by a fine or imprisonment for a maximum term of two years.

(3) If any criminal offence under paragraphs 1 and 2 is committed by an official person by abuse of official position or authority, by a post clerk or any employee to whom handing over, transfer or delivery of a letter, telegram or any other sealed, written material or consignment belonging to another is entrusted, the offender shall be punished by imprisonment for a term between six months and three years in the case of a criminal offence under paragraph 1 and by imprisonment for a term between one and five years in the case of a criminal offence under paragraph 2.

(4) Prosecution of the criminal offence under paragraph 1 shall be carried only upon request.

### **Unauthorized Disclosure of an Official Secret Article 154**

(1) Any attorney, defense counsel, medical doctor or any other person who, without authorization, discloses any secret which becomes known to him during the exercise of his profession, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever discloses a secret in the public interest or in the interest of another person which outweighs that of keeping the secret, shall not be held responsible in terms of the criminal offence under paragraph 1 of this Article.

(3) Prosecution of a criminal offence under this Article shall be carried on request.

### **Unauthorized Tapping and Sound Recording Article 155**

(1) Whoever, by use of special devices without authorization, taps or electronically records any conversation or statement which is not intended for him to hear it, or enables an unauthorized person to have knowledge of any conversation or statement that is tapped or recorded without authorization, shall be fined or punished by imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be applied to anyone who electronically records any conversation or statement, which is intended for him to hear it, without the knowledge or consent of the person who is giving it, with the intention of abusing it or to anyone who enables an unauthorized person to have knowledge of the conversation or statement.

(3) If any criminal offence under paragraphs 1 and 2 of this Article is committed by any official person in the course of his duty, he shall be punished by imprisonment for a term between six months and three years.

### **Unauthorized Photographing Article 156**

(1) Whoever takes any photograph, film or other visual recording of another in his/her personal premises without that person's consent, violating the person's privacy blatantly, or who passes on or displays such a photograph to a third person or enables the third person by any other method to have direct access to the photograph, shall be fined or punished by imprisonment for a maximum term of one year.

(2) If the criminal offence under paragraph 1 of this Article is committed by any official by abuse of his position or authority, he shall be punished by imprisonment for a term between six months and three years.

### **Unauthorized Use of Personal Data Article 157**

(1) Whoever, without the consent of any person and contrary to any conditions stipulated by the law, collects, processes, communicate or uses that person's personal data, shall be punished by a fine or by imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who, without authorization, accesses any protected database with personal details with the intention of using it for the purpose of gaining advantage for himself or someone else, or for the purpose of inflicting damage to another.

(3) If any criminal offence under paragraphs 1 and 2 of this Article is committed by any official by abuse of his position or authority, he shall be punished by imprisonment for a term between six months and three years.

(4) An attempt of any criminal offence under paragraph 1, 2, and 3 of this Article is punishable.

### **Violation of the Right to Submit Complaints and Petitions Article 158**

(1) Whoever prevents another person from exercising his right to submit an appeal, objection, request, petition or complaint, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) If any criminal offence under paragraph 1 of this Article is committed by any official by abuse of his position or authority, he shall be punished by imprisonment for a term between six months and three years.

### **Violation of the Freedom of Religion and Practice of Religion Article 159**

(1) Whoever prevents or denies the freedom of religion and practice of religion, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who violates the right of equality of a religious community honouring the law with other religious communities or who prevents a religious community from practicing the religion publicly.

### **Violation of the Freedom of Expression of Nationality Article 160**

(1) Whoever prevents another from asserting his national or ethnic affiliation or national or ethnic culture, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who forces another to assert his national or ethnic affiliation.

(3) If any criminal offence under paragraph 1 and 2 of this Article is committed by any official by abuse of his position or authority, shall be punished by imprisonment for a term between six months and three years.

### **Violation of the Freedom of Expression Article 161**

(1) Whoever prevents or denies the freedom of expression or addressing the public, the establishment of an outlet of mass media, the freedom of the press or other mass media, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) The punishment under paragraph 1 shall be also applied to anyone who orders or carries on censorship, denies any journalist access to information or restricts the freedom of information, unless it is a state or official secret.

### **Preventing the Printing and Dissemination of Printed Materials and Broadcasting Article 162**

Whoever unlawfully prevents the printing, sale or dissemination of books, magazines, newspapers or other printed material or production and broadcasting of radio and TV programmes, shall be punished by a fine or imprisonment for a maximum term of one year.

### **Violation of the Right to Association and Political Organizing Article 163**

Whoever, by violating law or any other unlawful method, denies or prevents political, trade union or other association from organizing and whoever prevents political, trade union or other organization or citizens' association from operating, shall be punished by a fine or imprisonment for a maximum term of one year.

### **Violation of the Right to Peaceful Assembly**

### **Article 164**

(1) Whoever prevents or hinders the right of citizens to peaceful assembly or public gathering that is held in pursuance of law, shall be punished by a fine or imprisonment for a maximum term of one year.

(2) Whoever, by use of force, serious threat, deceit or other illegal method, prevents or hinders peaceful assembly or public gathering that is held in pursuance of law, shall be punished by imprisonment for a term between six months and two years.

## **CHAPTER XIV CRIMINAL OFFENCES AGAINST SEXUAL FREEDOM**

### **Rape Article 165**

(1) Whoever compels another person to sexual intercourse or an equivalent sexual act by force or threat of immediate physical attack upon that person or upon someone close to that person, shall be punished by imprisonment for a term of three to ten years.

(2) If the criminal offence under paragraph 1 of this Article is committed against a child over 15 years of age or in a particularly cruel or degrading manner or by more offenders or out of hatred or if the criminal offence results in grievous bodily harm or serious effect on health or pregnancy of the female victim, the offender shall be punished by prison term of between five and fifteen years.

(3) If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment term of minimum ten years.

### **Sexual Extortion Article 166**

Whoever compels another person to sexual intercourse or an equivalent sexual act by threat of disclosing some information that would harm his reputation or reputation of someone close to that person or by threat of any other serious harm, shall be punished by imprisonment for a term of between one and eight years.

### **Sexual Intercourse with Helpless Person Article 167**

(1) Whoever has had sexual intercourse or an equivalent sexual act with a person, taking advantage of that person's mental disability, mental development disorder, other mental disorder, infirmity or any other condition which makes him/her incapable of resisting, shall be punished by imprisonment for a term of between two to ten years.

(2) If the criminal offence under paragraph 1 of this Article is committed in a particularly cruel or degrading manner or by more offenders or out of hatred or if the criminal offence

results in grievous bodily injury or serious effect on health or pregnancy of the helpless female victim, the offender shall be punished by imprisonment for a term of minimum five years.

(3) If any criminal offence under paragraph 1 and 2 of this Article results in the death of the victim, the offender shall be punished by imprisonment for a minimum term of ten years. If any criminal offence under paragraphs 1 and 2 of this Article results in the death of the victim, the perpetrator shall be punished by imprisonment for a minimum term of ten years.

### **Sexual Intercourse by Abuse of Position Article 168**

Whoever induces into sexual intercourse or an equivalent sexual act a person who is in a subordinate or dependent position in relation to him, shall be punished by imprisonment for a term of between two and five years.

### **Soliciting to Prostitution Article 169**

(1) Whoever, in order to achieve material gain or other benefits, entices, incites or lures another into prostitution or whoever, in any way, enables turning a person over to another for the exercise of prostitution or whoever, in any way, takes part in organizing or managing prostitution, shall be punished by imprisonment for a term of between six months and five years and a fine.

(2) If any criminal offence under paragraph 1 of this Article is committed against more persons, the offender shall be punished by imprisonment for a term of between one and eight years and a fine.

No account shall be taken of any record of prostitution of any person who has been induced, incited or enticed into prostitution under this Article.

### **Sexual Harassment Article 170**

(1) Whoever sexually harasses another person who is in a subordinate or dependent position in relation to him or who is particularly vulnerable due to person's age, illness, disability, dependency, pregnancy, serious physical or mental disorder, shall be punished by imprisonment for a maximum term of two years.

(2) Sexual harassment is any verbal, non-verbal or physical undesired behavior of sexual nature with the aim to degrade dignity in relation to person's sexual life or causes fear or creates hostile, degrading or offensive environment.

(3) Prosecution of a criminal offence under paragraph 1 of this Article shall be carried only on request.

### **Lechery (Lewd Behaviour) Article 171**

Whoever commits other sexual act under conditions set forth under Articles 165,166,167 and 168 of this Code shall be punished by imprisonment for a maximum term of three years.

**CHAPTER XV  
CRIMINAL OFFENCES OF SEXUAL ABUSE AND EXPLOITATION OF A  
CHILD**

**Sexual Intercourse with a Child under Fifteen Years of Age  
Article 172**

- (1) Whoever has sexual intercourse or an equivalent sexual act with a child under fifteen years of age, shall be punished by imprisonment for a term of between two to ten years.
- (2) If any criminal offence under paragraph 1 of this Article is committed by a lineal relative up to any degree or by a collateral relative up to the fourth degree of kinship, stepfather, stepmother, adoptive parent, guardian, teacher, physician, priest or any person to whom the child is entrusted for teaching, up-bringing, looking after, care or nursing, the offender shall be punished by imprisonment for a term of between five and fifteen years.
- (3) If any criminal offence under paragraph 1 of this Article is committed by use of force or threat or by abuse of mental disability or helplessness of a child or in a particularly cruel or degrading manner or by more offenders or if there is a high disproportion of age of the victim and the offender or if the criminal offence results in grievous bodily injury or a serious effect on health or pregnancy of the female victim, the offender shall be punished by imprisonment for a minimum term of eight years.
- (4) If any criminal offence under paragraphs 1, 2 and 3 of this Article results in the death of the child, the offender shall be punished by imprisonment for a minimum term of ten years or long term imprisonment.
- (5) The offender who had avoidable misconception about the age of a child under paragraph 1 of this Article shall be punished by imprisonment for a term of between one and five years.
- (6) The offender shall not be punished for the criminal offence under paragraph 1 of this Article if there is no significant difference in mental or physical maturity between him and a child.
- (7) If another sex act is committed under conditions set forth under paragraphs 1 and 2 of this Article, the offender shall be punished by imprisonment for a term of between six months and five years, and if another sex act is committed under conditions set forth under paragraph 3 of this Article, the offender shall be punished by imprisonment for a term of between one and eight years.

**Sexual Abuse of a Child over Fifteen Years of Age  
Article 173**

- (1) A lineal relative up to any degree or a collateral relative up to the fourth degree of kinship, a stepfather, stepmother, adoptive parent, guardian, teacher, physician, priest or other person who has sexual intercourse or an equivalent sexual act with a child over

fifteen years of age that is entrusted to him for teaching, up-bringing, looking after, care or nursing, shall be punished by imprisonment for a term of between two and eight years.

(2) The punishment under paragraph 1 of this Article shall be also applied to anyone who has sexual intercourse or an equivalent sexual act with a child over fifteen years of age by using child's psychological immaturity or frivolity or if there is a significant difference in maturity and age between the victim and the offender.

(3) If the offence under paragraph 1 or 2 of this Article is committed by abuse of office against a child who is in any way subordinate to, or dependant on the offender, or by taking advantage of child's mental disorder or infirmity, the offender shall be punished by imprisonment for a term of between two and ten years.

(4) If another sexual act has been committed under conditions set forth in paragraphs 1, 2 and 3 of this Article, the offender shall be punished by imprisonment for a term of between six months and five years.

### **Soliciting a Child to Witness Sexual Acts**

#### **Article 174**

(1) Whoever incites a child to witness a rape, sexual intercourse or an equivalent sexual act shall be punished by imprisonment for a term of between six months and five years.

(2) If the offence under paragraph 1 of this Article is committed by use of force or threat or against a child under fifteen years of age, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Abuse of a Child for Pornography**

#### **Article 175**

(1) Whoever incites a child to participate in filming child pornography or whoever organizes or enables filming of child pornography shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever, without authorization, films, produces, offers, makes available, distributes, promulgates, imports, exports, obtains for himself or another person, sells, gives, shows or possesses child pornography or knowingly access it by computer network, shall be punished by imprisonment for a term of between one and eight years.

(3) Whoever, by force, threat, deception, fraud, abuse of office or difficult circumstances of a child or abuse of relationship of dependence, forces or incites a child to filming child pornography shall be punished by imprisonment for a term of between two and ten years.

(4) Items used for commission of this offence shall be forfeited and pornographic material resulted from commission of this offence shall be subject to destruction.

(5) The child shall not be punished for production or possession of pornographic material showing him personally or him and another child if they produced that material by themselves and possess it with the consent of each of them and exclusively for their personal use.

(6) Child pornography is any material that visually or in another way shows a child or realistically presented non-existing child or a face that looks like a child, in a real or simulated (explicit) obvious sexual act or that shows sex organs of children for sexual purposes.

(7) Materials with artistic, medical or scientific significance shall not be considered pornography in terms of this Article.

**Abuse of a Child for Pornographic Show**  
**Article 176**

- (1) Whoever incites a child to play in pornographic shows shall be punished by imprisonment for a term of between six months and five years.
- (2) Whoever, by use of force, threat, deception, fraud, abuse of office or difficult circumstances of a child or abuse of relationship of dependence, forces or incites a child to play in a pornographic show, shall be punished by imprisonment for a term of between two and ten years.
- (3) The punishment under paragraph 1 of this Article shall be applied to anyone who watches live pornographic show or through means of communication in case he has known or should or could have known that a child plays in it.
- (4) Items used for commission of this offence shall be forfeited and pornographic material resulted from commission of this offence shall be subject to destruction.

**Showing Pornography to a Child**  
**Article 177**

- (1) Whosoever sells, gives, shows or renders available through public display, internet or other communication network or in any other manner, writings, photos, audio-visual or other objects containing pornographic material or shows a pornographic show to a child under fifteen years of age shall be punished by imprisonment for a term of between six months and three years.
- (2) Items used for commission of this offence shall be forfeited and pornographic material shall be destroyed.
- (3) Pornography is considered any material that visually or in another way shows a person in real or simulated obvious sexual act or that shows sex organs of persons for sexual purposes.
- (4) Materials with artistic, medical or scientific significance shall not be considered pornography in terms of this Article.

**Use of Computer Network or Other Technical Means of Communication in**  
**Criminal**

**Offences of Sexual Abuse and Exploitation of a Child**  
**Article 178**

- (1) Whoever, by using computer network or communication by other technical means, arranges meeting with a child over fifteen years of age for sexual intercourse or an equivalent sexual act, or for production of pornographic material or for other types of sexual abuse and shows up at the arranged meeting point, shall be punished by imprisonment for a term of between one and five years.

(2) If the offence under paragraph 1 of this Article is committed against a child under fifteen years of age, the offender shall be punished by imprisonment for a term of between two and eight years.

**Satisfying Lust in Front of a Child**  
**Article 179**

(1) Whoever engages in his or another's debauchery in front of a child or who incites a child to engage in debauchery in front of him or another, shall be punished by imprisonment for a maximum term of three years.

**Soliciting a Child to Prostitution**  
**Article 180**

(1) Whoever, in order to achieve material gain or other benefits, entices, incites or lures a child into prostitution or whoever, in any way, enables turning a child over to another for the exercise of prostitution or whoever, in any way, takes part in organizing or managing prostitution, and who has known or had to and could know that it concerns a child, shall be punished by imprisonment for a term of between one and eight years and a fine.

(2) Whoever uses sexual services of a child of fifteen years of age by giving any kind of compensation or consideration in return, and who has known or was obliged to know and could have known that it concerns a child, shall be punished by imprisonment for a term of between six months and five years.

(3) If any criminal offence under paragraph 1 of this Article is committed against more persons, the offender shall be punished by imprisonment for a term of between two and ten years.

(4) No account shall be taken of any record of prostitution of any person who has been induced, incited or enticed into prostitution.

**CHAPTER XVI**  
**CRIMINAL OFFENCES AGAINST MARRIAGE AND FAMILY**

**Bigamy**  
**Article 181**

(1) Whoever, being married, enters into a new contract of marriage, shall be punished with a fine or imprisonment for a maximum term of two years.

(2) The punishment set out in paragraph 1 of this Article shall also be imposed on any person who enters into a contract of marriage with another, knowing such person to be married.

(3) If the earlier marriage was annulled or terminated, no prosecution shall be instituted, or if it has been so instituted, it shall be discontinued.

**Enabling Illegal Marriage**  
**Article 182**

An authorized person before whom a contract of marriage is being conducted, who in the exercise of his duty knowingly permits a marriage which is prohibited or null and void under the law, shall be punished by a fine or imprisonment for a maximum term of two years.

### **Coercion into a Marriage Article 183**

- (1) Whoever by force or threat coerces another person to enter into a contract of marriage shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) Whoever takes another person abroad or induces another person to go abroad for the purpose of committing the offence under paragraph 1 of this Article, shall be punished by a fine or imprisonment for a maximum term of two years.

### **Non-Matrimonial Cohabitation with a Child Article 184**

- (1) Any adult who co-habits with a child in a non-matrimonial partnership, who is under the age of 16, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 of this Article shall also be imposed on a parent, adoptive parent or foster parent who permits or induces a child under paragraph 1 of this Article to live in a non-matrimonial union with another person.
- (3) If any offence under paragraph 2 of this Article is committed for material gain, the offender shall be punished by imprisonment for a term of between one and five years and a fine.
- (4) In the event that a valid marriage is contracted, no prosecution shall be instituted, or if it has been instituted, it shall be discontinued.

### **Abduction of a Child Article 185**

- (1) Whoever unlawfully keeps or takes a child away from his parents, adoptive parents, foster parent or institution, and/or any person into whose care he has been entrusted, who keeps or prevents such child from being with the person under whose care he should be entrusted to whom has the legal right to them, or who prevents the execution of a court decision on the supervision of such child, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) If any offence under paragraph 1 of this Article is committed for material gain or other base motives or with intention to permanently keep a child or where an offence causes a serious effect on health, upbringing or schooling of the child, or where commission of the offence causes the child to leave the territory of Bosnia and Herzegovina, the offender shall be punished by imprisonment for a term of between one and five years.
- (3) If the offender under paragraphs 1 and 2 above surrenders the child voluntarily to the person or institution s/he is in custody of or allows the decision on custody of the child to be enforced, he may be released from punishment.

(4) While passing a suspended sentence for an offence under paragraphs 1 and 2 above the court may order the offender to surrender the child voluntarily to the person or institution s/he is in custody of or to allow the decision on custody of the child to be enforced within a time limit.

(5) An attempt of an offence under paragraph 1 is punishable.

### **Change of the Family Status Article 186**

(1) Whoever, by foisting a child upon another, substituting it or by any other method, changes the family status of a child, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) Whoever commits any offence under paragraph 1 of this Article for material gain, by abuse of office or within a group or organized criminal group, shall be punished for a term of between one and eight years.

(3) Whoever, by substituting or in any negligent way, changes the family status of a child,

shall be punished by a fine or imprisonment for a maximum term of one year.

(3) An attempt of an offence under paragraph 1 is punishable.

### **Neglecting or Maltreating a Child Article 187**

(1) Any parent, adoptive parent, foster parent or any other person who by grossly neglecting their duty of caring and upbringing neglects the child in whose care that child or juvenile is entrusted, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Any parent, adoptive parent, foster parent or any other person who abuses the child, compels the child to carry out excessive work or work that is not appropriate for a child or juvenile of his age or to beg or, for personal gain, forces him to engage in other activities damaging to his development, shall be punished by imprisonment for a term of between six months and five years..

(3) If serious bodily injury or serious damage to the health of the child's or the child has taken to prostitution, alcohol or other form of asocial behaviour occurs as a result of any offence under paragraphs 1 and 2 of this Article, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Abandonment of a Child Article 188**

Whoever deserts his own child with intention to abandon him permanently shall be punished by a fine or imprisonment for a maximum term of three years.

### **Infringement of Child's Privacy Article 189**

- (1) Whoever reveals or conveys information from child's personal or family life or, contrary to the law, publishes child's photography or discloses child's identity and thus causes his anxiety or exposes him to derision of his peers or others or endangers child's safety in any other way, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) Whoever commits any offence under paragraph 1 of this Article by means of mass media, computer system or network, at a public gathering or by any other method which makes it accessible to a larger number of persons, shall be punished by a fine or imprisonment for a maximum term of two years
- (3) Whoever commits any offence under paragraphs 1 and 2 of this Article as an official or while exercising his professional activities, shall be punished by a fine or imprisonment for a maximum term of three years.

### **Domestic Violence Article 190**

- (1) Whoever by violence, threat of attack on life or limb, insolent or arrogant behaviour violates peace, bodily integrity and health or mental health of a member of his family or family household, and by that brings about his physical or mental integrity, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) If during use of violence, threat of attack on life and limb, insolent or arrogant behaviour, weapons, dangerous implements or other instruments suitable to inflict grave bodily injuries or harm person's health have been used, the perpetrator shall be punished by imprisonment for a term between six months and five years.
- (3) If the commission of the criminal offence referred to in paragraphs 1 and 2 of this Article has resulted in grievous bodily injury of the family member or impaired his health or if the criminal offence referred to in paragraphs 1 and 2 of this Article has been committed against a child or in child's presence, the perpetrator shall be punished by imprisonment for a term between two and ten years.
- (4) If the commission of the criminal offence referred to in paragraphs 1, 2, and 3 of this Article has resulted in the death of the family member, the perpetrator shall be punished by imprisonment for a term between three and fifteen years.
- (5) Whoever violates the protective measures or urgent measures of protection against the domestic violence ordered by the court on the basis of the law shall be punished by a fine and imprisonment for a term between three months and three years.
- (6) For the purpose of this Chapter, family members or members of household shall be also understood to mean spouses or ex-spouses, their children and children of each of them, unwed partners or former unwed partners, their children and children of each of them, in-laws up to the second degree of kinship regardless of the fact that the marriage union has ended, parents of current and former wed or unwed partners, relatives from full adoption in direct line without limitation, and in indirect line up to the fourth degree of kinship, as well as the relatives from partial adoption, persons linked by relation of fostering, persons who live or lived in the same family household regardless of kinship,

and persons who together have a child or have conceived a child, even though they had never lived in the same household.

**Breach of Family Obligations**  
**Article 191**

- (1) Whoever, in gross violation of his legal family obligations, leaves a member of his family, incapable of taking care of himself, in a position of physical or mental hardship, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) Should the health of a member of the family be severely impaired as a result of an offence under paragraph 1 of this Article, the offender shall be punished by imprisonment for a term of between six months and five years.
- (3) Should a member of the family lose his life as a result of an offence under paragraph 1 of this Article, the offender shall be punished by imprisonment for a term of between one and eight years.
- (4) Where a suspended sentence is passed, the court may additionally impose a condition upon the offender to regularly fulfill his obligations of taking care, upbringing and supporting.

**Avoiding Payment of Maintenance**  
**Article 192**

- (1) Whosoever fails to provide support for another whom he is obliged to support pursuant to a decision of the court, or pursuant to any agreement entered into before another competent body, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) Should serious consequences occur for the supported member of the family as a result of any criminal offence under paragraph 1 of this Article, the offender shall be punished by a fine and imprisonment for a maximum term of three years.
- (3) Where a suspended sentence is passed, the court may additionally impose a condition upon the offender to regularly pay maintenance and arrears of maintenance.

**Incest**  
**Article 193**

Whoever has sexual intercourse with a lineal relative or a sibling, shall be punished by imprisonment for a term of between one and five e years.

- (1)

**CHAPTER XVII**  
**CRIMINAL OFFENCES AGAINST PUBLIC HEALTH**

**Transmitting a Contagious Disease**  
**Article 194**

- (1) Whoever fails to comply with any regulation or ordinance whereby a competent health care body orders medical examinations, disinfecting, quarantine or other measures

designated to suppress or prevent the spread of any contagious disease in human beings, and in so doing causes the contagious disease to be transmitted, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) The punishment under paragraph 1 of this Article shall be similarly imposed on any person who, by failing to comply with any regulation and ordinance under paragraph 1 of this Article designated to suppress and prevent the spread of any contagious diseases in animals, causes a contagious disease to be transmitted to people.

(3) If an incurable contagious disease is transmitted by an offence under paragraph 1, the offender shall be punished by imprisonment for a term of between one and ten years.

(4) If any criminal offence under paragraphs 1 and 2 is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year .

(5) If any criminal offence under the preceding paragraphs results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years for the offence under paragraphs 1 and 2 and for a maximum term of three years for the offence under paragraph 4.

(6) If any criminal offence under paragraphs 1 to 4 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the offence under paragraphs 1 and 2, for a term of between two and fifteen years for the offence under paragraph 3 and for a term of between one and eight years for the offence under paragraph 4.

### **Failure to Comply with Sanitary Regulations during an Epidemic Article 195**

(1) Whoever, at the outbreak of an epidemic or a contagious disease, fails to comply with any regulation, ordinance or decision which establishes measures for its suppression or prevention, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) The punishment under paragraph 1 of this Article shall also be imposed on anyone who, at the time of an epidemic of a contagious animal disease transmissible to people, fails to abide by the regulations, ordinances and decisions which order measures for its suppression or prevention.

(3) If any offence under paragraphs 1 and 2 has been committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.

### **Failure to Apply Measures for Prevention of Contagious Diseases Article 196**

(1) Whoever, in any hospital, maternity hospital, boarding school, school, company, other statutory institution, retail food outlet, cleaning services, or in a similar organization or establishment, in contravention of sanitary regulations, fails to apply hygienic measures or employs or keeps in his employment any person suffering from a contagious disease, thereby causing the transmission of such contagious disease, shall be punished by a fine or imprisonment for a maximum term of one year.

- (2) If any offence under paragraph 1 of this Article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of six months.
- (3) If any criminal offence under paragraphs 1 or 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offences under paragraph 1 and for a maximum term of three years for the offence under paragraph 2.
- (4) If any criminal offence under paragraphs 1 and 2 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and for a term of between one and eight years for the criminal offence under paragraph 2.

### **Failure to Apply Proper Treatment to Patients** **Article 197**

- (1) A medical doctor who, in rendering any medical aid, fails to observe rules of the medical profession, thereby causing the deterioration of another's health, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) The punishment under paragraph 1 of this Article shall also be imposed on any health care worker who, in rendering medical aid, fails to observe rules of the medical profession, thereby causing a significant deterioration of another's health.
- (3) If any offence under paragraphs 1 and 2 of this Article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.
- (4) If any offence under paragraphs 1, 2, and 3 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years for the criminal offences under paragraphs 1 and 2 and a fine or a maximum term of three years for the offence under paragraph 3.
- (5) If any offence under paragraphs 1, 2, and 3 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraphs 1 and 2 and for a term of between one and eight years for the criminal offence under paragraph 3.

### **Failure to Render Medical Treatment** **Article 198**

- (1) A medical doctor or other health care worker who, contrary to his medical duty, refuses to render medical treatment to a sick person or a person who needs the treatment and whose life is in imminent danger, although he was or should have been aware that such action may cause serious deterioration in the health, condition or death of that patient, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) If any offence under paragraph 1 results in grievous bodily harm or serious impairment of health of the person who has not received the treatment, the offender shall be punished by imprisonment for a term of between one and five years.

(3) If any offence under paragraph 1 of this Article results in the death of the person who has not received the treatment, the offender shall be punished by imprisonment for a term of between two and twelve years.

### **Quackery Article 199**

(1) Whoever, in contravention of the legislation and having no authorization, offers medical treatment or engages in some other medical activity shall be punished by a fine and imprisonment for a maximum term of two years.

(2) If a criminal offence under paragraph 1 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) If a criminal offence under paragraph 1 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and fifteen years.

### **Unlawful Performing of Transplantation Article 200**

(1) Whoever, contrary to regulations, performs transplantation of human organs or parts of organs of human origin, human tissue or human cells, shall be punished by imprisonment for a term of between six months and five years.

(2) If a criminal offence under paragraph 1 of this Article results in the death of a person, the offender shall be punished by imprisonment for a term of between two and ten years.

### **Improper Dispensing of Medicines Article 201**

(1) Any person in charge of dispensing medicines for human consumption who administers another medicine instead of the prescribed or requested one if the replacement is not allowed or has not been prepared according to prescribed rations and quantities or who acts unconscientiously in a general sense in dispensing medicines, thereby causing the deterioration of another's health, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 of this Article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If any offence under paragraphs 1 and 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offence under paragraph 1 and for a maximum term of three years for the offence under paragraph 2.

(4) If any offence under paragraphs 1 and 2 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and for a term of between one and eight years for the criminal offence under paragraph 2.

### **Manufacturing and Sale of Articles Harmful to Health** **Article 202**

- (1) Whoever manufactures, sells or circulates medicines or other preparations for the treatment of diseases likely to be harmful to health, shall be punished by a fine and imprisonment for a maximum term of two years.
- (2) Whoever procures, process or circulates contaminated blood or other tissue or prepares medicines from them, shall be punished by a fine and imprisonment for a term between six months and five years.
- (3) If any offence under paragraphs 1 and 2 of this Article is committed through negligence,  
the offender shall be punished by a fine and imprisonment for a maximum term of two years.
- (4) If any offence under paragraphs 1, 2, and 3 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and eight years for the criminal offence under paragraph 1 and 2 and for a term between three months and three years for the offence under paragraph 3.
- (5) If any offence under paragraphs 1, 2, and 3 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and 2 and for a term of between one and eight years for the criminal offence under paragraph 3.
- (6) Any products under paragraph 1 of this Article shall be forfeited.

### **Illegal Manufacturing and Circulation of Poison** **Article 203**

- (1) Whoever produces, circulates or uses poison without authorization, shall be punished by imprisonment for a term of between six months and five years.
- (2) Any poison and the means whereby they are produced shall be forfeited.

### **Manufacturing and Circulating Tainted Products** **Article 204**

- (1) Whoever manufactures for sale, sells or in any way circulates any foodstuffs, drinks or other such products likely to be harmful to health, shall be punished by a fine and imprisonment for a maximum term of two years.
- (2) The punishment under paragraph 1 shall be imposed upon anyone who manufactures for sale, sells or in any way circulates toilet Articles, toys and other products for general use or consumption likely to be harmful to health.
- (3) If any offence under paragraphs 1 and 2 of this Article is committed through negligence,  
the offender shall be punished by imprisonment for a maximum term of one year and a fine.
- (4) If any offence under paragraphs 1, 2, and 3 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by

imprisonment for a term of between one and eight years for the criminal offence under paragraph 1 and 2 and for a maximum term of three years for the offence under paragraph 3.

(5) If any offence under paragraphs 1, 2 and 3 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and 2 and for a term of between one and eight years for the criminal offence under paragraph 3.

(6) Any such harmful products and objects shall be forfeited.

### **Improper Inspection of Foodstuffs** **Article 205**

(1) Any veterinary surgeon or other authorized veterinary staff who fails to exercise due diligence in inspecting livestock to be slaughtered or meat for consumption, or contrary to regulations fails to carry out a proper inspection, thereby enabling meat or foodstuffs, harmful to people's health, to be put into circulation, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any offence under paragraph 1 of this Article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If any offence under paragraphs 1 and 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offence under paragraph 1 and by a fine or imprisonment for a maximum term of three years for the offence under paragraph 2.

(4) If any offence under paragraphs 1 and 2 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the criminal offence under paragraph 1 and for a term of between one and eight years for the criminal offence under paragraph 2.

### **Pollution of Drinking Water and Foodstuff** **Article 206**

(1) Whoever by the introduction of any injurious substance to drinking water or foodstuff, threatens the safety of any person's life or health, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) Whoever commits the offence under paragraph 1 of this Article through negligence, shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If any offence under paragraphs 1 and 2 results in grievous bodily harm or serious impairment of the health of one or more persons, the offender shall be punished by imprisonment for a term of between one and five years for the criminal offence under paragraph 1 and by a fine or imprisonment for a maximum term of three years for the offence under paragraph 2.

(4) If any offence under paragraphs 1 and 2 of this Article results in the death of one or more persons, the offender shall be punished by imprisonment for a term of between two and twelve years for the offence under paragraph 1 and for a term of between one and eight years for the offence under paragraph 2.

## **Unauthorized Production and Sale of Narcotics** **Article 207**

(1) Whoever, without authority, processes, sells, offers for sale, purchases, keeps or transfers for sale, acts as an intermediary in any sale or purchase, or otherwise puts into circulation substances or preparations which are listed intoxicating drugs, shall be punished by imprisonment for a term of between one and ten years.

(2) Whoever offers, sells or acts as an intermediary in any sale of substances or preparations which are listed intoxicating drugs to a child or a person with mental disorder, or does that within the school or other educational, sport, cultural institutions or places used for education, upbringing, sport or other social activities of children or within their immediate vicinity, in public establishments or at public events or whoever uses a child to commit the offence under paragraph 1 of this Article shall be punished by imprisonment for a term of between five and fifteen years.

(3) The punishment under paragraph 2 of this Article shall be imposed upon an official, a teacher, educator, social or health worker or a priest who commits the offence by abusing his position, as well as a person who organizes a ring of dealers or middlemen for commission of the offence under paragraphs 1 and 2 of this Article or if the offence is committed by several persons.

(4) Whoever, by commission of any offence under paragraphs 1 and 2 of this Article, causes serious impairment of the health of larger number of persons or death of persons to whom he sold the substances or preparations which are listed as intoxicating drugs or acts as an intermediary in their sale, shall be punished by imprisonment for a minimum term of eight years.

(5) For the purpose of this Code, production of intoxicating drugs shall be also understood to mean unauthorized cultivation of poppy or psychoactive hemp or any other plant used for production of intoxicating drugs or which contains intoxicating drugs.

(6) Whoever, without authority, manufactures, procures, possesses or lends equipment, material or substances, knowing they are intended for the production of intoxicating drugs, shall be punished by imprisonment for a term of between three and five years.

(7) The court may release the offender from punishment if he reports his supplier of intoxicating drugs or he has voluntarily contributed substantially to detection of criminal offence.

(8) Any substances or preparations which are listed intoxicating drugs, plants used for production of intoxicating drugs, the means whereby they are produced or processed, means of transportation modified for hiding intoxicating drugs and equipment for its use shall be forfeited.

## **Enabling Another to Enjoy Narcotics** **Article 208**

(1) Whoever induces another to enjoy intoxicating narcotics, or gives to another such narcotics for his or the use of a third person, renders available premises for the enjoyment of any such narcotics or otherwise enables another to enjoy any such narcotics, shall be punished by imprisonment for a term of between one to eight years.

(2) If any offence under paragraph 1 of this Article is committed against a child, mental patient or against a number of persons or in school or other educational, sports, cultural institutions or places which serve for the purpose of education, up-bringing, sports or other social activity of children or in their immediate vicinity, or if the offence was perpetrated by an official person, health care worker, social worker, teacher, educator or coach by taking advantage of his office, the offender shall be punished by imprisonment for a term of between two and twelve years.

(3) If any offence under paragraph 1 or 2 of this Article causes a death of a person to whom he gave narcotics, the offender shall be punished by imprisonment for a term between three and fifteen years.

(4) Any intoxicating drugs shall be forfeited. (5) A perpetrator of a criminal offence referred to in paragraph 1 or 2 of this Article who exposes a criminal offence may be released from punishment.

## **CHAPTER XVIII LABOUR RELATED CRIMINAL OFFENCES**

### **Violation of Fundamental Rights of Employees**

#### **Article 209**

(1) Whoever knowingly disobeys regulations pertaining to entering into or termination of employment contract, on salary and other payments from the labour relation, on working hours, breaks, leaves, annual leaves or absence, protection of women, youth and disabled persons, protection of women due to pregnancy or parenthood, protection of elderly employees, on a ban on overtime or night work or payment of regulated remuneration, and thus denies or restricts a right the employee is entitled to, shall be punished by a fine or imprisonment for a term up to three years.

(2) If the offence referred to in paragraph 1 of this Article had for a consequence unjustified non-payment of three salaries in part or in whole, or the loss of rights arising from the unpaid benefits, and it is established that there were funds for payment, the perpetrator shall be punished by imprisonment for a term between six months and five years.

(3) Whoever terminates the employment of a female employee because of her pregnancy, or requests from the female employee to give a statement confirming that in such case she would give her notice or accept the termination of employment by consent, shall be punished by punishment referred to in paragraph 2 of this Article.

### **Abuse at Work**

#### **Article 210**

(1) Whoever insults, humiliates, abuses or in any other way harasses another person at work or in relation to work, and by this impairs his/her health, shall be punished by a fine or imprisonment for a term up to two years.

(2) Prosecution of the offence from paragraph 1 of this Article shall be initiated upon filed motion.

**Breach of Rights during Recruitment and Periods of Unemployment**  
**Article 211**

(1) Whoever denies or limits the right of another person to free employment under equal conditions provided for by law and other regulations, shall be punished by a fine or imprisonment for a maximum term of two years.

(2) The punishment under paragraph 1 of this law shall be imposed upon anyone who knowingly fails to abide by law and other regulations respecting citizens' rights during unemployment, and who by doing so denies to another person a right he is entitled to.

**Breach of Rights to Social Security**  
**Article 212**

Whoever knowingly fails to comply with the law and other regulations relating to social security, and thereby denies or limits a right, to which another person is entitled by reason of social insurance, shall be punished by a fine or imprisonment for a maximum term of one year.

**Abuse of Rights to Social Security**  
**Article 213**

Whoever feigns or causes an illness or working disability and thereby is granted a right to social insurance benefit which he otherwise would not be entitled under the legislation, shall be punished by a fine or imprisonment for a maximum term of one year.

**Failure to Implement Safety at Work Regulations**  
**Article 214**

(1) The responsible person who knowingly fails to comply with the law and other regulations on safety at work and thereby threatens the safety of any employee's life or health,

shall be punished by a fine or imprisonment for a maximum term of one year.

(2) In imposing a suspended sentence, the court may set as a condition on the offender that he should comply with the regulations on safety at work within a set time-limit.

**C H A P T E R X I X**  
**CRIMINAL OFFENCES AGAINST ELECTORAL RIGHTS**

**Preventing Elections and Voting**  
**Article 215**

(1) Whoever, by force, serious threat or any other unlawful method, prevents or hinders elections or casting votes or whoever, in such a manner, prevents or hinders counting of ballots or announcement of election results,

shall be punished by a fine or imprisonment for a maximum term of two years.

(2) If any criminal offence under paragraph 1 of this Article is committed in an organized manner or in two or more constituencies, the offender shall be punished by imprisonment for a maximum term of three years.

**Violation of the Right to Stand for Election  
Article 216**

Whoever, by violating laws or other regulations or by other unlawful method, prevents or denies the right to stand for election, shall be punished by a fine or imprisonment for a maximum term of one year.

**Violation of Electoral Rights  
Article 217**

Whoever, with the purpose of preventing someone from exercising his electoral rights, unlawfully fails to enter a name in a voting list, or excludes a name out of the electoral roll, or prevents a person from voting in any other way, shall be punished by a fine or imprisonment for a maximum term of one year.

**Violating the Free Decision-making of Voters  
Article 218**

(1) Whoever, by use of force, serious threat, bribery, deceit or other illegal method, coerces any voter into voting for or against a particular proposal or into not voting at all or into voting in particular sense,

shall be punished by a fine or imprisonment for a maximum term of three years.

(2) A member of polling committee or election commission or any other person who commits an offence under paragraph 1 of this Article in the discharge of any duty entrusted to him with respect to any elections or vote, shall be punished by imprisonment for a maximum term of between six months and five years.

(3) Any present or material advantage shall be confiscated.

**Voting Fraud  
Article 219**

Whoever votes under the name or in place of another person, or votes or attempts to vote more than once, shall be punished by a fine or imprisonment for a maximum term of one year.

**Corrupt Practices at an Election  
Article 220**

(1) Whoever offers, gives or promises reward, present or any other material or immaterial benefit to a voter in order to induce him to vote for or against a particular proposal or into not voting at all or into voting in particular sense, shall be punished by a fine or imprisonment for a maximum term of three years.

- (2) The punishment shall be applied to a voter who asks or takes for himself or another a present or a promise of present or any other advantage in order to vote for or against a particular proposal or into not voting at all or into voting in particular sense.
- (3) The reward, present or other material advantage shall be confiscated.

### **Violation of Secrecy of Voting Article 221**

- (1) Whoever breaches the secrecy of the vote at an election, shall be punished by a fine or imprisonment for a maximum term of six months.
- (2) A member of polling committee or election commission or some other person who commits a criminal offence under paragraph 1 of this Article in the discharge of duty entrusted to him with respect to any elections or vote, shall be punished by a fine or imprisonment for a maximum term of two years.
- (3) The punishment under paragraph 2 of this Article shall be applied to whomever who, by force, serious threat, by abusing official, labour related or financial dependency of another or by any illegal method requires a citizen to state for whom and how he voted.

### **Election Rigging Article 222**

- (1) Whoever, by adding, subtracting or taking out votes or any other method falsifies results of any election or vote, shall be punished by imprisonment for a term of between one and five years.

### **Destroying Election Documents Article 223**

- (1) Whoever at an election destroys, conceals, damages or illegally removes any document relating to the election or vote, or any other object that is used for the election or the vote, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) A member of polling committee or election commission or some other person who commits any criminal offence under paragraph 1 of this Article in the discharge of duty entrusted to him with respect to any elections or vote, shall be punished by imprisonment for a term of between six months and five years.

## **CHAPTER XX CRIMINAL OFFENCES AGAINST PROPERTY**

### **Theft Article 224**

- (1) Whoever unlawfully seizes movable personal property belonging to another with the intention to unlawfully appropriate it, shall be punished by a fine or imprisonment for a maximum term of three years.

- (2) If the seized property is of value of less than 300.00 KM and the offender intended to acquire material gain of small amount, shall be punished by a fine or imprisonment for a maximum term of one year.
- (3) The punishment under paragraph 1 of this Article shall also be applied to anyone who, for the purpose of theft, cuts down trees in the quantity of more than five cubic meters.
- (4) If the offence under paragraph 3 of this Article was committed with intention of sale of the cut down trees, or if the quantity of cut down trees is more than fifteen cubic meters, or if the offence was committed in the protected forest, national park or other forest with special allocation, the offender shall be punished with imprisonment for a term of between one and five years and by a fine.
- (5) If the offence under paragraph 3 of this Article was committed with intention to sell the cut trees, and if the quantity of cut trees is more than a hundred cubic meters, the offender shall be punished with imprisonment for a term of between three and ten years and by a fine.
- (6) An attempt of an offence under paragraphs 1 and 3 of this Article is punishable.
- (7) The cut trees referred to in paragraphs 3, 4, and 5 of this Article shall be confiscated.
- (8) Any criminal prosecution for crimes under paragraph 2 of this Article shall be initiated upon filed motion.

### **Theft of Electrical Energy or Natural Gas Article 225**

- (1) Whoever in breach of the valid provision connects the electrical energy facilities to an electrical grid, and who is spending electrical or heat energy or natural gas without the stipulated measuring devices or, apart from them, or in some other way unlawfully uses electrical or heat energy or natural gas; or who prevents authorized person to register the spent electrical or heat energy or natural gas, shall be punished with imprisonment for a term of between six months and three years and by a fine.
- (2) If the offender of criminal offence under paragraph 1 of this Article is the end-buyer, he shall be punished with imprisonment for a term of between one and five years and by a fine.
- (3) End-buyer who does not report a criminal offence under paragraphs 1 and 2 of this Article, shall be punished with imprisonment for a maximum term of two years and by a fine.
- (4) If the value of stolen electrical energy, heat energy or natural gas exceeds 10,000.00 KM, the offender shall be punished with imprisonment for a term of between six months and five years and by a fine, and if the amount exceeds 50,000.00 KM, with imprisonment for a term of between two and eight years and by a fine.
- (5) An attempt of an offence under paragraph 1 of this Article is punishable.
- (6) If the offender of criminal offence under paragraphs 1 and 2 of this Article is a legal person, it shall be punished by a fine in amount from 20,000.00 KM to 200,000.00 KM, and a responsible person shall be punished with imprisonment for a maximum term of three year and by a fine.

### **Aggravated Theft**

### **Article 226**

(1) The offender shall be punished with imprisonment for a term of between one and eight years if a theft is committed:

- 1) by breaking open or breaking into or breaking of obstacles protecting closed buildings, rooms, strong-boxes, cupboards, safes or other enclosed premises or space;
- 2) in a particularly dangerous or reckless manner;
- 3) by a person who is in possession of a weapon or dangerous Articles for committing the theft,
- 4) by a group of people that associated with the intention of committing thefts,
- 5) by exploiting the situation during a fire, flood, earthquake or a similar calamity,
- 6) by exploiting the distress or other impaired state of the other person,
- 7) out of hatred.

(2) If the value of stolen property exceeds 10,000.00 KM,

the offender shall be punished by imprisonment for a term of between two and ten years.

(3) If the stolen property is an object of special historical, scientific or cultural significance or if the value of stolen property exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between three and fifteen years.

(4) If the characteristics of aggravated theft from paragraph 1, items 1), 2), 4), and 7) of this Article have been accomplished but the value of stolen item does not exceed the amount of 300.00 KM and the offender acts with the purpose of appropriating property of little value, he shall be punished by a fine or with imprisonment for a maximum term of three years.

### **Aggravated Robbery**

#### **Article 227**

(1) Whoever, by use of force against another or by threatening an immediate attack against his life or limb, takes personal movable property belonging to another with the intention of making unlawful material gain for himself or for another person, , shall be punished by imprisonment for a term of between one and ten years.

(2) If, in the course of a criminal offence under paragraph 1 of this Article, grievous bodily injury is intentionally inflicted on a person or if the criminal offence was perpetrated out of hatred, or if the robbery is committed by more persons or a weapon or dangerous Articles were used during the criminal act, or if the value of stolen property exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between five and fifteen years.

### **Robbery**

#### **Article 228**

(1) Whoever, disturbed in the act of theft, and with the intention of retaining possession of the stolen property, uses force against another person or threatens immediate attack on his life or limb,

shall be punished by imprisonment for a term of between one and ten years.

(2) If, during the commission of any criminal offence under paragraph 1 of this Article, grievous bodily injury is intentionally inflicted on a person or if the criminal offence was perpetrated out of hatred, or if the robbery is committed by a group of persons, or a weapon or dangerous Articles are used during the criminal act or if the value of stolen property exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between five and fifteen years.

### **Embezzlement Article 229**

(1) Whoever, with the intention of making an unlawful material gain for himself or for another person, unlawfully appropriates movable property of another which has been entrusted to his care,

shall be punished by a fine or imprisonment for a maximum term of two years.

(2) if the value of embezzled property exceeds 300.00 KM and the offender acts with the purpose of appropriating property of little value,

shall be punished by a fine or imprisonment for a maximum term of six months.

(3) If any offence under paragraph 1 of this Article is committed by a foster parent, he shall be punished by a fine or imprisonment for a maximum term of three years.

(4) If the embezzled property is an object of special historical, scientific or cultural significance or if its value exceeds 10,000.00 KM,

the offender shall be punished by imprisonment for a term of between six months and five years or if its value exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between one and eight years.

(5) Whoever unlawfully keeps personal property belonging to another which he has found or of which has accidentally come into possession, with the intention of making a material gain for himself or another,

shall be punished by a fine or imprisonment for a maximum term of one year.

(6) Any criminal offence under paragraphs 1, 2, and 5 of this Article shall be prosecuted on request.

### **Fraud Article 230**

(1) Whoever, with the intention of making unlawful material gain for himself or for another person, deceives someone through false representation or suppression of facts, or maintains that someone in deception, inducing him/her thereby to do or omit something to the detriment of his or someone else's property,

shall be punished by imprisonment for a term of between six months and three years.

(2) If the value of proceeds of crime resulting from any criminal offence under the preceding paragraph does not exceed 300.00 KM and the offender acts with the purpose of appropriating material gain of little value or causing minor damage, shall be punished by a fine or imprisonment for a maximum term of one year.

(3) If the value of proceeds of crime or damage resulting from any criminal offence under paragraph 1 of this Article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and five years or if the amount exceeds 50,000.00 KM,

the offender shall be punished by imprisonment for a term of between two and ten years.

(4) Whoever commits any criminal offence under paragraph 1 of this Article solely for the purpose of causing harm to another,

shall be punished by a fine or imprisonment for a maximum term of two years.

(5) An attempt of an offence under Paragraph 1 of this Article is punishable.

Any criminal offence under paragraph 2 of this Article shall be initiated upon filed motion.

### **Organizing Illicit Games of Chance Article 231**

(1) Whoever, with the intention of making an unlawful material gain for himself or another, organizes, participates or assists in organization of games of chance for which the competent body has not issued a licence shall be punished by imprisonment for a maximum term of three years and by a fine.

(2) The punishment under paragraph 1 of this Article shall be also imposed upon anyone who, with the intention of making an unlawful material gain for himself or another, organizes, participates or assists in organization of the games in which players pay certain sums of money and expect profit only if other players involve in the game. (3) If significant material gain or major damage results from any offence under paragraphs 1 and 2 of this Article,

the offender shall be punished by imprisonment for a term of between one and eight years and by a fine.

(4) Items and devices used or intended for perpetration of this criminal offence shall be confiscated.

(5) Whoever is involved in perpetration of offence under this Article shall be punished by imprisonment for a term of between one and five years and by a fine.

### **Extortion Article 232**

(1) Whoever, with the intention of making an unlawful material gain for himself or another, by force or by a threat compels another to do or not to do something to the detriment of his property or property belonging to another,

shall be punished by imprisonment for a term of between one and five years. (2) If the value of proceeds of crime resulting from any offence under paragraph 1 of this Article

exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years.

(3) If the value of proceeds of crime resulting from any offence under paragraph 1 of this Article exceeds 50,000.00 KM or if in the course of a criminal offence grievous bodily injury is inflicted on a person, or a threat was addressed of direct attack upon a person's life or limb by a group of persons, or if a weapon or dangerous Article was used in the commission of criminal offence or if the criminal offence is committed by a group of people,

the offender shall be punished by imprisonment for a term of between three and fifteen years.

(4) If any offence under paragraphs 1, 2, and 3 of this Article is committed by an organized criminal group, the offender shall be punished by imprisonment for a term of at least five years.(5) If the criminal offence of extortion causes death of a person, the offender shall be punished by imprisonment for a term of at least eight years.

(6) Whoever commits the criminal offence under this Article for remuneration, shall be punished by imprisonment for a term of at least three years.

### **Blackmail Article 233**

(1) Whoever, with the intention of obtaining an unlawful material gain for himself or another, threatens another to reveal a matter about that person or someone close to him of a nature likely to injure his honour or reputation, and thereby compels him to do or not to do an act to the detriment of his property or property belonging to another, shall be punished by imprisonment for a term of between six months and five years.

(2) If the value of proceeds of crime resulting from any offence under Paragraph 1 of this Article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years, or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.

(3) Whoever commits the criminal offence under this Article or if the offence is committed by a group of people, the offender shall be punished by imprisonment for a term of between two and twelve years.

(4) If any offence under paragraph 1, 2 of this Article is committed by an organized criminal group, the offender shall be punished by imprisonment between three and 15 years.

### **Abuse of Trust Article 234**

(1) Whoever representing the property interests of another or exercising care of another's property fails to perform his duty or misuses the authority vested in him with the intention thereby of obtaining an unlawful material gain for himself or another or of causing injury to the person whose property interests he represents or over whose property he exercises care, shall be punished by imprisonment for a maximum term of three years or a fine.

(2) If the value of proceeds of crime or damage resulting from this criminal offence exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and five years, or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) If the offender of offences under paragraph 1 or 2 of this Article is a foster parent or attorney, he shall be punished by imprisonment for a term of between six months and five years for the criminal offence under paragraph 1 of this Article and by imprisonment for a term of between one and eight years for the criminal offence under paragraph 2 of this Article if the amount exceeds 20,000.00 KM or by imprisonment for a term of between two and ten years when the amount exceeds 50,000.00 KM.

### **Usury Article 235**

(1) Whoever, in return for a service rendered to another, receives or obtains for himself or another a disproportionate material benefit by exploiting the financial situation, difficult housing conditions, state of emergency, lack of experience or the limited judgment of that injured person, shall be punished by imprisonment for a term of between six months and five years and by a fine.

(2) If the value of proceeds of crime resulting from any offence under Paragraph 1 of this Article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and by a fine.

(3) If any offence under paragraph 1 of this Article results in major damage to the injured party or if a group committed criminal offence, the offender shall be punished by imprisonment for a term of between two and twelve years and by a fine.

(4) If the value of proceeds of crime resulting from any offence under Paragraph 1 of this Article exceeds 50,000.00 KM or if organized criminal group committed criminal offence, the offender shall be punished by imprisonment for a term of between three and fifteen years and by a fine.

(5) Whoever commits the criminal offence of usury shall be punished by imprisonment for a term of between two and twelve years and by a fine.

### **Concealment Article 236**

(1) Whoever, by buying, accepting as a pawn, or otherwise, procures, conceals or passes on an Article knowing it to have been obtained by the commission of a criminal offence, or it to have been obtained by sale or barter in place of something which has been obtained by commission of a criminal offence, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) If any offence under paragraph 1 of this Article is committed by a group of people or if the value of property being concealed exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years if the value of property being concealed exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years.

(3) Whoever commits an offence under paragraph 1 of this Article without knowing that the relevant Article has been obtained by the commission of a criminal offence, although he ought to have known it, shall be punished by a fine or imprisonment for a maximum term of two years.

### **Unlawful Occupation of Buildings Article 237**

- (1) Whoever, in breach of the law, occupies building, apartment, business premises or some other premises belonging to another, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) When passing a suspended sentence the court may order the offender to vacate the premises within a set time-limit.
- (3) An attempt of a criminal offence under Paragraph 1 is also punishable.

### **Unlawful Occupation of Land Article 238**

- (1) Whoever, in breach of the law, occupies land belonging to another, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) Whoever, in breach of the law, occupies land belonging to another, with a view to building on it, shall be punished by imprisonment for a term of between six months and three years and by a fine.
- (3) If the occupied land is a part of protected forest, national park or other land with special allocation, the offender shall be punished with imprisonment for a term of between one and five years.

### **Arranging of competition outcome Article 239**

- (1) Whoever arranges the outcome of sports or other competition with the intention of making unlawful material gain for himself or for another person, shall be punished by imprisonment for a term of between six months and three years and by a fine.
- (2) If the value of proceeds of crime resulting from any offence under Paragraph 1 of this Article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years and by a fine and if this amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and ten years and by a fine.
- (3) An attempt of a criminal offence under Paragraph 1 is also punishable.

**Damaging and Appropriating Personal Property Belonging to Another  
Article 240**

- (1) Whoever destroys, damages or renders unusable any property belonging to another, or whoever unlawfully takes away any property belonging to another for temporary use, shall be punished by a fine or imprisonment for a maximum term of two years.
- (2) Whoever takes away a car belonging to another which he had unlawfully used for driving it unlawfully for a longer period of time or a major damage is caused to the car, shall be punished by imprisonment for a term of between six months and three years.
- (3) If a criminal offence under paragraphs 1 and 2 of this Article was perpetrated out of hatred or wantonness or a major damage is caused, the offender shall be punished by imprisonment for a term of between one and five years.
- (4) Any criminal offence under paragraphs 1 and 2 of this Article shall be initiated upon filed motion.

**Damaging Dwelling and Business Buildings and Special Building Premises  
Article 241**

- (1) Any occupant, tenant, jointer, owner or any other person who removes or damages outside or inside equipment, fittings or parts fitted in a dwelling, business building or premises or diminishes usability of the building or special building premises otherwise, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) If any offence under paragraph 1 of this Article renders the building or special building premises unusable, the offender shall be punished by imprisonment for a term of between six months and five years.

**Fraud in Law  
Article 242**

- (1) Whoever, for the purpose of frustrating the satisfaction of a claim to property, conveys to another, destroys or damages the property on which another person has a lien or a right to use, and in doing so causes damage to that person, shall be punished by a fine or imprisonment for a maximum term of one year.
- (2) The punishment under paragraph 1 of this Article shall also be imposed on anyone who destroys, alienates or renders unusable all or part of his property or assumes false liability, or enters into a fraudulent contract or takes any other fraudulent step apparently or actually to diminish his assets and thereby diminishes chances of or prevents settlement of at least one of his creditor's debts.
- (3) Any criminal prosecution of offence under paragraph 1 of this Article shall be initiated upon filed motion. .

**Arson**

### **Article 243**

- (1) Whoever maliciously burns a dwelling or house belonging to another or any commercial or industrial property or public property, shall be punished by imprisonment for a term of between one and eight years.
- (2) If an offence under paragraph 1 of this Article is committed through negligence, the offender shall be punished by imprisonment for a term of between six months and five years.
- (3) If any offence under paragraph 1 of this Article results in major damage, the offender shall be punished by imprisonment for a term of between two and twelve years.

### **Appropriation, Destruction or Damaging of Cultural Monuments, Protected Natural Sites and Objects That Are of Cultural and Historical Significance Article 244**

- (1) Whoever, while carrying on archaeological, geological, palaeontological or mineralogical research or excavations, archive research or in some other manner, appropriates excavations, excavated material or objects of cultural and historical significance, archive materials or natural rarities, shall be punished by imprisonment for a term between six months and five years.
- (2) The punishment under paragraph 1 of this Article shall be imposed upon anyone who unlawfully destroys or damages an ancient monument, protected natural site, other object that is of great cultural and historical significance or an object that is public property.
- (3) Whoever, without proper permission given by the relevant authority, carries out conservation, restoration or research work on a cultural monument or, notwithstanding a prohibition or without the permission of the relevant authority, carries out archaeological excavations or research, as a result of which the monument is destroyed or seriously damaged, shall be punished by a fine or imprisonment for a maximum term of three years.
- (4) If any offence under paragraphs 1, 2, and 3 of this Article is committed in respect of a cultural monument of special value or significance, or if substantial damage has occurred, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Taking Away Objects That Are of Cultural And Historical Significance or Natural Rarities from the Country Article 245**

- (1) Whoever takes away objects that is of cultural and historical significance or a natural rarity from the country or enables another to do so, shall be punished by a fine or imprisonment for a maximum term of three years.
- (2) If any offence under paragraph 1 is committed in respect of property that is of great cultural, historical or natural significance, the offender shall be punished by imprisonment for a term of between six months and five years.

**Genuine Remorse**  
**Article 246**

If the offender under Articles 224, 229, 230, 237, 238, 240, 241, and 242 of this law returns a taken or appropriated Article, compensates for the damage or remedies consequences of the criminal offence in any way before knowing that the offence has been discovered, he may be released from punishment.

**Prosecution of Criminal Offences Committed Against Close Relatives**  
**Article 247**

In cases of criminal offences under Article 224, Paragraph 2, Articles 229, 230, 236, 237, 240, 241, and 242 of this law committed against the spouse, a direct blood relative, a sibling, an adoptee or adoptive parent or another person the offender lives within the household, prosecution shall be carried upon motion.

**CHAPTER XXI**  
**CRIMINAL OFFENCES AGAINST THE ECONOMY AND PAYMENT**  
**SYSTEMS**

**UNLAWFUL ACTIONS IN ECONOMIC BUSINESS**  
**Article 248**

(1) The responsible person in an enterprise or other entity of economic business,, who, with the intention of making unlawful material gain for his own or another legal person:

- 1) creates or keeps illicit funds in the country or abroad;
- 2) by drawing up false documents, balance-sheets, appraisals, inventories or other misrepresentations, factual concealments and false display of the financial situation, flow of assets and business results;
- 3) puts a legal person in a more favourable position in granting resources or benefits that the legal person would have not been granted in pursuance of the valid legislation;
- 4) while paying taxes and honouring other obligations determined by law, fails to do payments that are public revenue;
- 5) misuses any powers or means he has available;
- 6) in some other way violates the law and business rules with regard to the disposal, use or management of property,

shall be punished by imprisonment for a term of between six months and five years and by a fine.

(2) If significant material gain or major damage results from an offence under paragraph 1 of this Article,

the offender shall be punished by imprisonment for a term of between one and ten years and by a fine.

**Abuse of Office by Responsible Person**

### **Article 249**

(1) Responsible person who, by taking advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty to the material benefit of himself or another physical or legal person or causes material damage to another, unless this does not constitute characteristics of other criminal offence, shall be punished by imprisonment for a term of between six months and three years and by a fine.

(2) If the material gain acquired by the offence referred to in Paragraph 1 of this Article exceeds 10,000.00 KM the perpetrator shall be punished by imprisonment of a term between one and five years and a by a fine and if this amount exceeds 50,000.00 KM the perpetrator shall be punished by imprisonment of a term between two and ten years and by a fine.

### **Abuse in the Procedure of Public Procurement**

#### **Article 250**

(1) Responsible person in an enterprise or in other entity of economic business that has the capacity of a legal person, or an entrepreneur who in the procedure of public procurement submits a bid based on false data, or agrees in an illicit manner with other bidders, or undertakes other illicit actions with intention to thus influence the decision making of the purchaser in any stage of the procedure of public procurement, shall be punished imprisonment for a term between six months and five years and by a fine.

(2) If the offence referred to in paragraph 1 of this Article was perpetrated in the procedure of public procurement value of which exceeds the amount of 1,000,000.00 KM, the perpetrator shall be punished imprisonment for a term between one year and ten years and by a fine.

(3) The perpetrator who voluntarily discloses that the bid is based on a false data or on an illicit agreement with other bidders, or that he undertook other illicit actions with intention to influence the decision making of the purchaser before he makes the decision of the selection of the bid, may be punished more leniently or be acquitted.

### **Causing Bankruptcy**

#### **Article 251**

(1) Whoever, in the entity of economic business with the status of a legal person,, unreasonably spends resources, transfers property at a gross undervalue, excessively runs into debts, assumes excessive engagements in loans and credits, frivolously makes or renews contracts with insolvent entities, fails to enforce his claims on time or damages or conceals property, or in some other way that is obviously in contravention of diligent business management, thereby causing bankruptcy and damage to another, shall be fined and punished by imprisonment for a term of between one and five years and by a fine.

(2) If the offender of criminal offence remedies consequences of the criminal offence before knowing that the offence has been discovered,

he shall be punished by imprisonment for a maximum term of one year or may be released from punishment.

### **Fraud on Creditors Article 252**

(1) Whoever, in the entity of economic business with the status of a legal person by actually or ostensibly diminishing the value of his property with the intention of avoiding payment of debts, causes bankruptcy whereby:

1) he sells the whole or part of his property, actually or ostensibly transfers it for little or no consideration, conceals or destroys it;

2) he makes false contracts or acknowledges false liabilities;

3) he conceals, destroys, changes or keeps statutory business books, documents and files in such a manner that a true financial account cannot be kept or, by making fake documents or in any other way, records a financial position that leads to the institution of bankruptcy proceedings,

shall be punished by imprisonment for a term of between one year and five years and by a fine.

(2) If any offence under paragraph 1 of this Article results in any serious consequences to any creditor,

the offender shall be punished by imprisonment for a term of between two years and ten years and by a fine.

### **Abuses in Bankruptcy or Procedure of Rehabilitation Article 253**

(1) Whoever files a false claim or seek a false order of payment in bankruptcy or rehabilitation procedure in order to exercise a right he does not possess, shall be punished by a fine and imprisonment for a maximum term of two years and by a fine.

(2) Any creditor, member of creditor's assembly, member of a creditors' board, trustee or receiver who obtains for himself or another any material gain or promise thereof in order to pass or fail to pass a particular decision or to harm, in some other way, at least one creditor in the bankruptcy or rehabilitation procedure,

shall be punished by a fine and imprisonment for a maximum term of three years and by a fine.

(3) The punishment under paragraph 1 of this Article shall be imposed upon anyone who offers or promises material gain to a creditor, member of creditor's assembly, member of a creditors' board, trustee or receiver for the commission of any criminal offence under paragraph 2 of this Article.

### **Damaging the Creditors Article 254**

(1) Whoever, in the entity of economic business knowing that this entity is insolvent, pays debts or in some other way places any creditor in a more favorable position, thereby causing substantial financial damage to another creditor,

shall be punished by imprisonment for a term between six months and three years.

(2) The punishment under paragraph 1 of this Article shall be imposed upon anyone who, knowing that the legal person is insolvent, and with the intention of defrauding creditors, acknowledges a false claim, draws up false contracts or by some other fraudulent act financially damages a creditor shall be punished by imprisonment for a term of between one and five years..

(3) If any criminal offence under paragraphs 1 and 2 of this Article results in serious damage or if the injured party has to undergo forced settlement procedure/rehabilitation or to file for bankruptcy,

the offender shall be punished by imprisonment for a term of between two and ten years.

### **Making a Prejudicial Contract Article 255**

(1) Whoever, acting as an agent or representative of a legal person pursuing business activities, makes any contract being aware of its prejudicial nature to the legal person, or whoever enters into a contract contrary to the authority vested in him, thereby causing financial damage to the legal person,

shall be punished by imprisonment for a maximum term of three years and by a fine.

(2) If any offence under the paragraph 1 of this Article results in serious damage to the legal person,

the offender shall be punished by imprisonment for a term of between one and ten years and by a fine.

### **Accepting of Bribe in Pursuing of Business Activities Article 256**

(1) Whoever, in pursuing of business activities for himself or another person, directly or indirectly, demands or accepts a gift or any other benefit or who obtains a promise of gift or any other benefit in order to make a contract or to reach a business arrangement or provide a service or to refrain from such actions or by violating other duties in pursuing of business activities, thereby causing damage or benefit to the entity of economic business or another legal person for which or where he is employed or another person shall be punished by imprisonment for a term between one and eight years and by a fine.

(2) The offender under paragraph 1 of this Article who for himself or another person demands or accepts a gift or any other benefit or who obtains a promise of gift or any other benefit after having made a contract or reaching a business arrangement or providing a service or refraining from such actions shall be punished by imprisonment for a term between six months and three years.

(3) Any received gift or other benefit shall be forfeited.

### **Giving of Bribe in Pursuing of Business Activities** **Article 257**

(1) Whoever gives, offers or promises a gift or any other benefit to a person in order to, in pursuing of business activity, make a contract or reach business arrangement or provide a service or to refrain from such actions or to violate other duties in pursuing economic activity thereby causing damage or benefit to entity of economic business or another legal or physical person, or whoever mediates in such giving of a gift or any other benefit, shall be punished by imprisonment for a term of between six months and five years and by a fine.

(2) The offender under the paragraph 1 of this Article who gives a gift or any other benefit on request of a person in order to, in pursuing of business activity, make a contract or reach business arrangement, provide a service or breach a duty and reports the offence before knowing that the offence has been discovered, may be released from punishment.

(3) Any gift or material gain under paragraphs 1 and 2 of this Article shall be forfeited.

### **Unlawful Actions of Authorized Auditor** **Article 258**

(1) Authorized auditor who signed an opinion on audit of financial report in the manner that is contrary to international standards of financial reporting, international standards of auditing and other provisions from this area, for the purpose of inflicting damage to another or obtain material gain, shall be punished by a fine or by imprisonment for a maximum term of five years.

(2) If the offence is committed against a number of persons, the offender shall be punished by imprisonment for a term between one and five years and by a fine.

(3) If, by committing offences under paragraphs 1 and 2 of this Article, the offender obtained a significant material gain to himself or another person or caused major damage to another person, or caused damage to a group of persons, the offender shall be punished by imprisonment for a term of between one and ten years.

(4) The court shall impose upon offender the security measure of ban on carrying out a certain occupation, activity or duty under the terms set forth under Article 77 of this Code.

### **Disclosure and Unauthorized Procuring of Trade Secrets** **Article 259**

(1) Whoever, without authorization, communicates, passes on or in any way makes accessible to another person any information which constitutes a trade secret, or obtains such information with the intention of passing it to an unauthorized person, shall be punished by a fine or by imprisonment for a maximum term of three years.

(2) The punishment under Paragraph 1 of this Article shall be imposed on anyone who, with the intention of making an unauthorized use of such information, unlawfully procures any information kept as a trade secret.

(3) If disclosure or procuring of such information is carried on with a view to taking them abroad or to obtaining material gain, the offender shall be punished by imprisonment for a term between one and five years and by a fine.

(4) If any offence under Paragraphs 1 and 3 of this Article is committed through negligence, the offender shall be punished by a fine or imprisonment for a maximum term of one year.

### **Unauthorized Use of Trade-Name and Other Special Marks of Goods or Services Belonging to Another Article 260**

(1) Whoever, with the intention of defrauding purchasers of goods or users of services, uses protected trade-name, mark of geographic origin, seal, or other mark of distinction of goods and services belonging to another or inserts certain features of these marks into his own trade-name, mark of geographic origin, seal or in his own mark of distinction of goods and services,

shall be punished by imprisonment for a term of between six months and three years.

(2) Whoever purchases, produces, processes, places on market, rents or stores any large quantities of goods under paragraph 1 of this Article or who provides services with unauthorized use of trading marks belonging to another, shall be punished by imprisonment for a term of between one and five years.

(3) If the offender from paragraph 2 of this Article organized a network of retailers or mediators or obtained a material gain exceeding the amount of 50,000.00 KM, he shall be punished by imprisonment for a term of between two and ten years and by a fine.

(4) Articles under paragraphs 1, 2 and 3 of this Article shall be forfeited.

### **Breach of Inventor's Rights Article 261**

(1) Whoever, in the course of business activities, without authorization, uses registered or protected invention belonging to another, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) Whoever releases the idea of invention belonging to another before the invention is published in a legally prescribed manner, shall be punished by a fine or imprisonment for a maximum term of two years.

(4) Any product made according to the unauthorized use of another's invention shall be forfeited.

### **Infringement of Keeping Business and Commercial Books and Making of Financial Reports and their Forfeiting or Destroying**

## **Article 262**

(1) Whoever fails in keeping statutory business and commercial books or is keeping them in such manner that the transparency of business activities or assets is made difficult, or destroys, conceals, substantially damages or otherwise renders useless business and commercial books or documents which he is obliged to keep, shall be punished by imprisonment for a term of between six months and five years.

(2) The punishment under paragraph 1 above shall be imposed on anyone who enters false data in statutory business or commercial books, documents or files, fails to enter required data, by use of his signature or official seal, certifies a business or commercial book, document or file containing false data, or by affixing his signature or official seal, permits the drawing up of such business or commercial book, document or file containing false data, or whoever uses such false business and commercial book, document or file as genuine.

(3) Whoever fails in keeping financial reports or is keeping them contrary to international financial reporting standards and other pertaining regulations, with the intention of making of material gain for himself or another person, or for the purpose of inflicting damage to another, shall be punished by a fine or imprisonment for a term of between six months and five years.

## **Money Laundering Article 263**

(1) Whoever receives, exchanges, keeps, disposes of or uses in corporate or other business, makes conversion or transfer of money or property that he knows to have been proceeds of crimes stipulated by the law of Republika Srpska, or in some other way conceals or tries to conceal their nature, origin, location, accessibility, movement, ownership or any other right

shall be punished with a sentence of imprisonment for a term of between one and five years and by a fine.

(2) If the offender under paragraph 1 is at the same time an offender or accomplice in the criminal offence resulting in the proceeds of crime under the preceding paragraph 1 of this Article,

he shall be punished by imprisonment for a term of between one and eight years and by a fine.

(3) If the value of money or material gain under paragraphs 1 and 2 of this Article exceeds the value of 200,000.00 KM, value,

the offender shall be punished by imprisonment for a term of between two and ten years and by a fine.

(4) If the offences under paragraphs 1, 2 and 3 of this Article were committed by a group of people who joined with the intention of committing the criminal offence of money laundering or if money laundering was made for the purpose of financing of terrorism,

the offender shall be punished by imprisonment for a term of between three and fifteen years and by a fine.

(5) If, while committing the criminal offences under paragraphs 1 and 2 of this Article, the offender acts negligently concerning the fact that the money or property was obtained through the commission of a criminal offence,

he shall be punished by a fine or by imprisonment for a maximum term of three years.

(6) Any money and material gain, income, profit or other benefit resulting from the material gain under preceding paragraphs 1, 2, 3 and 4 of this Article shall be forfeited.

### **Tax Evasion Article 264**

(1) Whoever, with intention of himself or another person, completely or partially evades payment of sums stipulated by the laws on taxes of the Republika Srpska or contributions to pension schemes or health insurance, by submitting false or incomplete information relating to income, cases or to other facts effecting the determination of the amount of such tax liability, or contributions to pension schemes or health insurance or if the obliged person does not report income cases or to other facts effecting the determination of the amount of such tax liability, or contributions to pension schemes or health insurance, thereby causing decrease or non-determining of tax liability or contributions to pension schemes or health insurance in the amount exceeding the sum of 10,000.00 KM, shall be punished by imprisonment for a term of between one and five years and by a fine.

(2) The offender under paragraph 1 of this Article who uses tax benefit in amount exceeding 10,000.00 KM contrary to the conditions under which he was granted with it, shall be punished by the punishment under paragraph 1 of this Article.

(3) Whoever commits an offence under paragraphs 1 and 2 of this Article involving the liability evaded in excess of 50,000.00 KM, shall be punished by imprisonment for a term between two and ten years and by a fine and if this liability evaded is in excess of 200,000.00 KM, shall be punished by imprisonment for a minimum term of three years and by a fine.

### **Withholding tax evasion Article 265**

(1) The responsible person in a legal person as well as an entrepreneur which, with intention to evade the payment of a withholding tax, withholding contributions to pension schemes or health insurance or other stipulated taxes, who does not pay the amount of calculated withholding tax, i.e. withholding contributions to pension schemes or health insurance to stipulated payment account of public revenues or who does not pay other stipulated taxes, shall be punished by imprisonment for a term between one and five years and by a fine.

(2) If the amount of calculated non-paid tax, i.e. the contributions from paragraph 1 of this Article exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term between two and ten years and by a fine.

(3) If the amount of calculated non-paid tax, i.e. the contributions from paragraph 1 of this Article exceeds 200,000 KM, the offender shall be punished by imprisonment for a minimum term of three years and by a fine.

**Abuse of Appraisals**  
**Article 266**

- (1) Any certified appraiser, who abuses his official powers whilst making appraisals, thereby acquiring material gain for himself or another or causing financial loss to another, shall be punished by imprisonment for a term of between one and five years and by a fine.
- (2) If significant material gain or major damage in excess of 10,000.00 KM results from an offence under Paragraph 1 of this Article, the offender shall be punished by imprisonment for a term of between two and ten years and by a fine.
- (3) If significant material gain or major damage in excess of 50,000.00 KM results from an offence under Paragraph 1 of this Article, The offender shall be punished by imprisonment for a term of between three and twelve years and by a fine.

**Wrong Appropriation of Funds by a Legal Person**  
**Article 267**

Any competent representative or official of a legal person, who is personally responsible for the tax liabilities of that legal person under the laws on taxes in the Republika Srpska and who approves the appropriation of funds for purposes other than the payment of tax liabilities of that legal person, thereby rendering that legal person insolvent and unable to pay his tax liabilities on time, shall be punished by a fine or imprisonment for a maximum term of three years.

**Abuse of Privatization**  
**Article 268**

- (1) Whoever, in any process of privatization, with a view to acquiring gain for himself or another, causes financial damage to others or seriously violates their rights, reduces the selling price or allows purchase at a significantly lower price than that determined in the process of privatization, by supplying false information and concealing data on assets, revenues, encumbrances, expenditures and other rights or facts relevant to the determination of the price, shall be punished by imprisonment for a term of between one and five years and by a fine.
- (2) The punishment under paragraph 1 above shall be imposed on anyone who in the procedure of privatization consciously participates in deciding on diminishing the value of business entity capital in favour of buyers.
- (3) If significant material gain or major damage in excess of 100,000.00 KM results from an offence under Paragraphs 1 and 2 of this Article, the offender shall be punished by imprisonment for a term of between two and twelve years and by a fine.

(4) If significant material gain or major damage in excess of 300,000.00 KM results from an offence under Paragraph 1 of this Article, the offender shall be punished by imprisonment for a minimum term of three years and by a fine.

(4) Any official or competent person who, with full knowledge of the offence under Paragraph 1 of this Article and practicing malfeasance, misfeasance or nonfeasance (abusing his official position or powers, exceeding his official powers or failing to act when a duty to act exists), wrongly carries out or fails to carry out any official act required in the process of privatization, shall be punished by imprisonment for a term of between one and ten years and by a fine.

### **False Participation in Privatization Article 269**

Whoever falsely participates in the privatization process on the basis of agreement with participants in privatization in favour to some of the participants in privatization, shall be punished by imprisonment for a term of between six months and three years and by a fine.

### **Illegal Manufacturing Article 270**

(1) Whoever manufactures or processes commodities the manufacture and processing of which is prohibited, shall be punished by imprisonment for a term of between six months and three years and by a fine.

(2) Goods and processing means shall be forfeited.

### **Illicit Commerce Article 271**

(1) Whoever, without a valid licence, purchases any goods of a high value or in large quantities with the intention of re-sale or who, without licence, trades or acts as an intermediary or agent in selling commodities and services on a large scale, shall be punished imprisonment for a maximum term of three years or by a fine.

(2) Whoever trades in commodities whose unlawful production is organized by him, shall be punished by imprisonment for a term of between one and five years and by a fine.

(3) The punishment under Paragraph 2 of this Article shall be imposed upon anyone who unlawfully sells, purchases or exchange goods and commodities whose trade is restricted or forbidden.

(4) Any person committing an offence under Paragraphs 1, 2 or 3 of this Article, who thereby sets up a ring of middlemen or retailers, or makes a material gain in excess of 10,000.00 KM, shall be punished by imprisonment for a term of between two years and ten years and by a fine.

(5) Any goods or commodities traded in illicit commerce shall be forfeited.

**Misleading Consumers**  
**Article 272**

(1) Whoever, with the intention of misleading consumers, markets on a larger scale products with a mark showing information that does not correspond to the content, origin or quality of the product, or markets products whose weight or quality do not comply with the requisite standards, or markets a product without the prescribed marking of the content, type, origin, expiry date or quality of the product, shall be punished imprisonment for a maximum term of three years and a fine.

(2) Whoever, with the intention of misleading consumers, falsely publishes a statement that the price of the goods has been reduced, that there is a “sale” of goods, that a price increase is expected or in any way utilizes any false means of advertising, shall be punished imprisonment for a maximum term of two years and a fine.

**Insurance Fraud**  
**Article 273**

(1) Whoever, with a view to receiving payment under an insurance policy, damages or conceals property that has been insured against such destruction, damage, loss or theft and claims damages, shall be punished by a fine or imprisonment for a maximum term of three years.

(2) The punishment under Paragraph 1 of this Article shall be imposed upon anyone who, with a view to collecting payment under an insurance policy against bodily impairment, bodily injury or health impairment, causes harm to himself.

(3) If proceeds of crime resulting from any offence under paragraphs 1 and 2 of this Article exceeds 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years or if the amount exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one year and ten years.

(4) An attempt of any criminal offence under Paragraphs 1 and 2 of this Article is punishable.

**Deception in Getting Loans or other Benefits**  
**Article 274**

(1) Whoever, with a view to obtaining for himself or another a loan, investment funds, subvention or some other benefit, gives to the creditor or other person competent to grant benefits false or incomplete details with respect to his financial situation or other details required for such loan or other benefits, shall be punished by imprisonment for a maximum term of three years and a fine.

(2) The punishment under Paragraph 1 of this Article shall be imposed upon anyone who uses any loan, investment funds, subvention or some other benefit to a use other than that for which it is intended.

(3) If any offence under paragraph 1 of this Article involves an amount in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and five years and a fine and if the sum exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years and a fine.

(4) Whoever voluntarily prevents making a decision on financial aid and subvention under Paragraph 1 of this Article may be released from punishment.

(5) The approved funds from the funds of the European Union shall be deemed equal to a loan, investment funds, or subvention of the Republika Srpska.

### **Illicit Banking Article 275**

(1) Whoever, without license, or in contravention of any requirements under a license, runs a banking institution, microcredit or savings institution shall be punished by imprisonment for a term of between six months and five years and a fine.

(2) If any offence under Paragraph 1 of this Article results in material gain in excess of 10,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years and a fine, if the sum exceeds 50,000.00 KM, the offender shall be punished by imprisonment for a term of between two and ten years and a fine and if the sum exceeds 200,000.00 KM, the offender shall be punished by imprisonment for a minimum term of five years and a fine.

### **Emission of Securities without Collateral Article 276**

The punishment of eight years of imprisonment shall be imposed on:

1) the responsible person in a bank or other legal entity who issues securities, allows issuing securities although they had knowledge or could have had knowledge of the impossibility of fulfilling the obligations of the issuer arising from the issue under the conditions, within the time limit and in the manner determined by the law or the decision on the emission;

2) an official who approves the issuance of securities even though he knew or could and should have been aware of the inability to fulfill the obligations arising from the issue under the conditions, within the time limit and in the manner prescribed by law or decision on the issue;;

3) responsible person in the bank who issues a guarantee for a particular issue of securities even though he knew or could and should have been aware of the inability to fulfill the obligations of the guaranteeing bank on terms, time and in the manner prescribed by law or guarantee.

### **Issuing Check or Non-cash means of Payment without Cover Član 277.**

(1) Whoever, in order to obtain for himself or another illicit property gain, issues or puts into circulation a check which he knows has no cover, and thereby obtains a property

gain in the amount exceeding BAM 1,000, shall be punished by a fine and imprisonment for a term not exceeding three years.

(2) The punishment referred to in paragraph 1 of this Article shall also be imposed on the person who intends to obtain for himself or another property gain, issues, places on the market or uses a bill of acceptance, bill of exchange, guarantee, credit or payment card or any other means of payment or security of payment, even though he knows that there is no cover for it and thus obtain a property gain in the amount exceeding BAM 1,000.

(3) If the offenses referred to in paragraphs 1 and 2 of this Article have been awarded a pecuniary gain in the amount exceeding BAM 10,000, the offender shall be punished by imprisonment for a term between one and eight years, and if that amount exceeds BAM 50,000 KM, he shall be punished by imprisonment for two to ten years.

(4) If the perpetrator of the act referred to in paragraphs 1 and 2 of this Article has provided cover before finding out that the act was discovered, he may be released from punishment.

## **C H A P T E R XXII**

### **CRIMINAL OFFENCES AGAINST THE CONSTITUTIONAL ORDER AND SAFETY OF THE REPUBLIKA SRPSKA**

#### **Attack on the Constitutional Order Article 278**

Whosoever, by physical force or threat of physical force, or in some other unlawful manner, attempts to change the constitutional order of the Republika Srpska, shall be punished by imprisonment for a term of between two and twelve years.

#### **Endangering Territorial Integrity Article 279**

Whosoever attempts to detach a part of the territory of the Republika Srpska by use of force or threat of force, or in any other unlawful manner to annex any part of the territory thereof to another entity, shall be punished by imprisonment for a term of between three and fifteen years.

#### **Rendering the Republika Srpska into a Position of Subjugation or Dependency Article 280**

Whoever attempts to render the Republika Srpska into a position of subjugation or dependency in relation to another State, shall be punished by imprisonment for a term of between three and fifteen years.

**Assassination of the Highest Officials of the Republika Srpska  
Article 281**

Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, deprives of life the President or the Vice-president of the Republika Srpska, the Chair of the National Assembly of the Republika Srpska, the Prime Minister of the Republika Srpska, the President of the Constitutional Court of the Republika Srpska, the President of the Supreme Court of the Republika Srpska or the Chief Prosecutor of the Republika Srpska, shall be punished by imprisonment for a minimum term of ten years or to long-term imprisonment.

**Kidnapping the Highest Officials of the Republika Srpska  
Article 282**

- (1) Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, kidnaps the President or the Vice-president of the Republika Srpska, the Chair of the National Assembly of the Republika Srpska, the Prime Minister of the Republika Srpska, the President of the Constitutional Court of the Republika Srpska, the President of the Supreme Court of the Republika Srpska or the Chief Prosecutor of the Republika Srpska, shall be punished by imprisonment for a term of between three and fifteen years.
- (2) The offender under Paragraph 1 of this Article, who releases the kidnapped person voluntarily before his criminal offence has been discovered, shall be punished by imprisonment for a maximum term of two years or may be released from punishment.

**Armed Rebellion/Mutiny  
Article 283**

- (1) Whosoever takes part in an armed rebellion which is aimed against the constitutional order of the Republika Srpska or against its highest institutions, shall be punished by imprisonment for a term of between three and fifteen years.
- (2) Whosoever organizes or directs a mutiny, shall be punished by imprisonment for a term of between five and fifteen years.

**Prevention of Fight Against the Enemy  
Article 284**

- (1) A citizen of the Republika Srpska who, during the war or an armed conflict, prevents the Republika Srpska citizens or citizens of its allies to fight against the enemy, shall be punished by imprisonment for a term of between one and ten years.
- (2) Under the provisions of the Chapter XXII of this Code, a foreign person with temporary or permanent residence in the Republika Srpska shall also be considered as a citizen of the Republika Srpska.

**Service in the Army of the Enemy**  
**Article 285**

- (1) A citizen of the Republika Srpska who serves in the enemy's army or other enemy's armed formations in time of war or armed conflict, or participates in a war or armed conflict as a combatant against Republika Srpska or its allies, shall be punished by imprisonment for a term of between three and fifteen years.
- (2) The punishment under Paragraph 1 of this Article shall be imposed on anyone who invokes, takes away and recruits citizens of the Republika Srpska for service in the enemy's army or other enemy's armed formations, or for participation in a war or armed conflict against the Republika Srpska or its allies.

**Aiding the Enemy**  
**Article 286**

- (1) A citizen of the Republika Srpska who aids the enemy in performing coercive measures against the people at time of war, shall be punished by imprisonment for a term of between one and ten years.
- (2) A citizen of the Republika Srpska, who with an aim of aiding the enemy politically or economically collaborates with the enemy at time of war, shall be punished by imprisonment for a term of between two and twelve years.

**Unlawful Establishing and Joining Foreign Paramilitary or Militia Formations**  
**Article 287**

- (1) Whoever unlawfully organizes, trains, equips, mobilizes or in any way helps individuals or groups for the purpose of their joining foreign military, foreign paramilitary or foreign militia formations that are acting outside the territory of the Republika Srpska or whoever joins such formations, shall be punished by imprisonment for a term of between three and fifteen years.
- (2) Whoever collects financial or other means, creates plans or makes arrangements with others or recruits another person or undertakes any other action creating the conditions for direct perpetration of this criminal offence, shall be punished by imprisonment for a term of between one and ten years.
- (3) Whoever publicly, by way of public media or in any other way conveys a message to the public, which has the purpose of inciting another person to perpetrate the criminal offence under Paragraphs 1 and 2 of this Article, shall be punished by imprisonment for a term of between one and five years.
- (4) A perpetrator of the criminal offence under Paragraph 1 of this Article, who, by exposing the group, prevents the perpetration of the criminal offence or exposes the group prior to the perpetration of the criminal offence, shall be punished by imprisonment for a maximum term of two years or may be released from punishment.
- (5) Provisions of this Article shall not be applicable to the persons who have acquired in a lawful manner the citizenship of a foreign country recognized by our country in

whose army or military or police formation they serve in a lawful manner, or they serve in the internationally recognized military formations under control of the United Nations.

**Undermining the Defensive Power of the Republika Srpska**  
**Article 288**

(1) Whoever, with an aim of diminishing the defensive power of the Republika Srpska, destroys, renders useless or enables to pass into the hands of the enemy the defence installations, defence objects, positions, arms or other military or defensive means, or surrenders troops to the enemy, or with the same aim hinders or endangers the military or defence measures,

shall be punished by imprisonment for a term not less than three years.

(2) Whoever plans, makes arrangements with others, procures means or in some other manner prepares for perpetrating the criminal offence under Paragraph 1 of this Article, shall be punished by imprisonment for a term between one and ten years.

**Subversion**  
**Article 289**

Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, by demolishing, burning or in some other manner, destroys or damages industrial or agricultural facilities, means of transport, an installation or plant, communication system facilities, public facilities for the supply of water, heat, gas or power, a dam, a storage, a building or any other construction important for the security, utilities, industry or functioning of the public service,

shall be punished by imprisonment for a term of between three and fifteen years.

**Sabotage**  
**Article 290**

Whosoever, with the intention of endangering the constitutional order or security of the Republika Srpska, in any insidious, underhand or similar manner causes serious damage to the authority of the Republika Srpska or legal person he is working in or another authority of the Republika Srpska or legal person while performing his duties, shall be punished by imprisonment for a term of between two and fifteen years.

**Espionage**  
**Article 291**

(1) Whosoever discloses, delivers or renders available trade or official information to a foreign State, foreign organization or a person in the service thereof, shall be punished by imprisonment for a term of between two and twelve years.

(2) Whosoever within the Republika Srpska creates an intelligence service on behalf of a foreign State or organization, or whoever runs such service, shall be punished by imprisonment for a term of between five and fifteen years.

(3) Whosoever becomes a member of a foreign intelligence service, collects information for such a service or in any other way assists activities of such service, shall be punished by imprisonment for a term of between one and ten years.

(4) Whosoever obtains secret information with the intention of disclosing or delivering it to a foreign State, organization or a person in the service thereof, shall be punished by imprisonment for a term of between one and eight years.

(5) If the offence under Paragraphs 1 and 2, results in serious security, economic or military consequences, the offender shall be punished by imprisonment for a minimum term of five years.

### **Disclosing a Secret Belonging to the Republika Srpska Article 292**

(1) Whosoever discloses or passes on to unauthorized person or mediates in disclosing information or a document entrusted to him or obtained by him in any way, which constitutes a secret belonging to the Republika Srpska, shall be punished by imprisonment for a term of between one and ten years.

(2) If an offence under paragraph 1 above is committed during a state of war or imminent threat of war, or if it leads to the endangerment of the security or economic power of the country,

the offender shall be punished by imprisonment for a minimum term of five years

(3) If an offence under paragraph 1 above is committed through negligence, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) If an offence under paragraph 2 above is committed through negligence, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Dispatching and Transferring Armed Groups, Arms and Ammunition into the Territory of Republika Srpska Article 293**

Whosoever dispatches or transfers to the territory of Republika Srpska any armed groups, terrorists, spies, raiders, weapons, explosive, poisons, equipment, ammunition or other material for the purpose of committing any criminal offence, under the Chapter XXII of this Code,

shall be punished by imprisonment for a term of between two and twelve years.

### **Incitement to Violent Change of the Constitutional Order of the Republika Srpska Article 294**

(1) Whosoever, with a view to threatening the establishment and security of the Republika Srpska, calls or incites to violent change of the constitutional order of the Republika Srpska or to toppling of its highest officials, shall be punished by imprisonment for a term of between one and eight years.

(2) Whosoever commits an offence under Paragraph 1 of this Article with help from abroad,

shall be punished by imprisonment for a term of between two and ten years.

(3) Whosoever, with a view to distributing it, prints or duplicates any material that calls and incites to the commission of an offence under paragraph 1 of this Article or whosoever sends over or transports into the territory of the Republika Srpska such material or possesses such material with a view to his or another's distributing it, shall be punished by imprisonment for a term of between one and five years.

**Accessory After the Fact in the Commission of Any Offences against the  
Constitutional Order of the Republika Srpska  
Article 295**

(1) Whoever harbours a person who has committed any criminal offence under Articles 278 to 294 of this Code or provides the offender with shelter, food, material, money or other resources, or in any other way, helps him to escape or make detection or arrest difficult,

shall be punished by imprisonment for a term of between one and five years.

(2) No punishment for any criminal offence under Paragraph 1 of this Article shall be imposed on a person if that person is the offender's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner.

**Setting up a Group or an Organized Criminal Group for the Commission of  
Criminal Offences against the Constitutional Order of the Republika Srpska  
Article 296**

(1) Whosoever sets up a group or organized criminal group or any association with the intention of committing any criminal offence under Articles 278 to 282 and Article 293 of this Code,

shall be punished by imprisonment for a term of between two and ten years.

(2) Whosoever joins an association under the Paragraph 1 of this Article, shall be punished by imprisonment for a term of between one and eight years.

(3) An offender under paragraphs 1 and 2 of this Article who prevents the commission of any criminal offence under Paragraph 1 of this Article or reveals their preparation in a timely fashion or reveals such association and its leaders, may be punished by imprisonment for a term of maximum two years or may be released from punishment.

**Preparation of Criminal Offences against the Constitutional Order of the Republika  
Srpska  
Article 297**

(1) Whosoever organizes, plans, agrees with another on, or procures or recovers means of committing or takes other steps to create necessary conditions for the commission of any criminal offence under Articles 278 to 294 and Article 291, Paragraphs 1 and 2 of this Code,

shall be punished by imprisonment for a term of between one and five years.

(2) The offender under Paragraph 1 of this Article, who prevents the commission of a criminal offence under Paragraph 1 of this Article voluntarily, shall be punished by imprisonment for a maximum term of one year or may be released from punishment.

**Punishment for the Gravest Criminal Offences against the Constitutional Order of  
the Republika Srpska  
Article 298**

(1) For a criminal offence under Articles 278 to 294 of this Code, which results in the death of a person or a number of persons or is coupled with heavy violence or a large-scale destruction,

the offender shall be punished by imprisonment for minimum term of ten years.

(2) If, in the course of committing an offence under Paragraph 1 of this Article, the offender intentionally deprives any person of his life, he shall be punished by imprisonment for a minimum term of ten years or long-term imprisonment.

**C H A P T E R XXIII**

**CRIMINAL OFFENCES OF TERRORISM**

**Terrorism  
Article 299**

(1) Whosoever commits one of the following acts which may inflict serious damage to the Republika Srpska with the intention of seriously intimidating a population or unduly compelling the authorities of the Republika Srpska to perform, or to abstain from performing any act, or with the aim of seriously destabilizing or destroying the fundamental constitutional, political, economic or social structures of the Republika Srpska:

- 1) An attack upon a person's life, which may cause death;
- 2) An attack upon the physical integrity of any person;
- 3) Any unlawful confinement, keeping confined or in some other way depriving another of his liberty, or restricting his freedom of movement, with the intention of compelling him or some other person to perform or refrain from performing any act or to suffer, or taking hostages ;
- 4) Causing serious damage to the facilities of the Republika Srpska or public facilities, the transport system, infrastructural facilities, including any information system, a fixed platform located on the continental shelf, a public place or private property, and likely to endanger any person or result in major economic loss;
- 5) Hi-jacking of aircraft, ships or other means of public transport or freight carriage;
- 6) Manufacture, possession, acquisition, transport, supply, use of, or training for the use of, weapons, explosives, nuclear, biological or chemical weapons or radioactive material, including research into, and development of, biological and chemical weapons

or radioactive material and the possession, use of devices for activation or emission of radioactive or ionizing radiation, use of or damage of a nuclear facility in such way it may cause release or the danger of release of radioactive material, or by applying force or threat, or by requesting radioactive material, device for activation, dispersion or emission of radioactive material or nuclear facility;

7) Releasing dangerous substances, or causing fire, explosion or floods, with the aim of endangering human lives;

8) Interfering with or disrupting the supply of water, power or any other fundamental natural resources, the effect of which is likely to endanger human life;

shall be punished by imprisonment for a minimum term of five years.

(2) Whoever threatens to commit or prepares any offence under Paragraph 1 of this Article, shall be punished by imprisonment for a term of between one and eight years.

(3) If a large-scale destruction or death of a person or a number of persons results from the commission of an offence under Paragraph 1 of this Article, the offender shall be punished by imprisonment for a minimum term of ten years or a long-term imprisonment.

(4) If, in the course of the commission of any offence under Paragraph 1 of this Article, the offender intentionally deprives another of his life,

he shall be punished by imprisonment for a minimum term of fifteen years or long-term imprisonment.

(5) Facilities and other real estate used for terrorist activities, as well as items and means which are intended or have been used for the perpetration of the offence referred to in this Article shall be seized.

### **Funding of Terrorist Activities** **Article 300**

(1) Whosoever, directly or indirectly gives or by any other means, provides or collects money, property or any other funds with an intention that they should be used, or knowing that they are to be used, in full or in part, to commit one or more offences under Chapter XXIII of this Code and criminal offence of damaging or destroying important economic or public facilities (Article 397, Paragraphs 1 and 2), damaging a dam or water facilities (Article 398, Paragraphs 1 and 2), or any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in any hostilities during armed conflict, where the purpose of such act is to intimidate population, or to compel the authorities of the Republika Srpska to perform or to abstain from performing any act,

shall be punished by imprisonment for a minimum term of eight years.

(2) The punishment under Paragraph 1 of this Article shall be imposed on anyone who, by any means, directly or indirectly gives, provides or collects money, property or any other funds with an intention of facilitating preparation of offence from Paragraph 1 of this Article or who, by any means, provides or collects money, property or any other funds with an intention that they should be used, or knowing that they are to be in any way used, in full or in part, by terrorists or a terrorist organization.

- (3) An official or responsible person in a bank or other financial institution or a person who performs duties of public interest, authorized for undertaking measures or actions for prevention of financing of terrorism, who knowingly fails to undertake stipulated measures and, by this, enables for perpetration of an offence under this Article, shall be punished by imprisonment for a minimum term of five years.
- (4) The punishment under Paragraph 3 of this Article shall be imposed on an official or responsible person who, without authorization, discloses to a client or an uninvited person data on investigation procedure of suspicious transactions or other measures and actions which are being undertaken for prevention of financing of terrorism.
- (5) If the offences under Paragraphs 3 and 4 of this Article are committed through negligence, the offender shall be punished by imprisonment for a term of between one and eight years.
- (6) If a legal person is responsible for criminal offence under this Article, it shall be punished by a fine and with the measure of dissolution of legal person.
- (7) Money, property and means intended for preparation or perpetration of offences under this Article shall be seized.

### **Setting up a Terrorist Group or Organization** **Article 301**

- (1) Whoever sets up or organizes a group of people or a terrorist organization, or whoever, in any other way, is associating several or more persons for the purpose of perpetration of offences stipulated in Chapter XXIII of this Code, as well perpetration of criminal offence of damaging or destroying important economic or public facilities (Article 397, Paragraphs 1 and 2), damaging a dam or water facilities (Article 398, Paragraphs 1 and 2) or any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in any hostilities during armed conflict, where the purpose of such act is to intimidate population, or to compel the authorities of the Republika Srpska to perform or to abstain from performing any act, shall be punished by imprisonment for a minimum term of five years.
- (2) Whoever becomes a member of a group or a terrorist organization from Paragraph 1 under this Article or in some other way provides assistance or participates in their activities, shall be punished by imprisonment for a minimum term of three years.
- (3) The punishment under Paragraph 2 of this Article shall be imposed upon anyone who incites, provides support or, in any other way, assists in forming of a terrorist organization.
- (4) A member of a group or a terrorist organization who, by exposing the group or terrorist organization or in some other manner, prevents the perpetration of the planned criminal offences, shall be punished by imprisonment for a maximum term of three years or may be released from punishment.
- (5) A member of a group or a terrorist organization under Paragraph 1 of this Article who exposes a group or terrorist organization before he has, as their member or on their behalf, committed other type of criminal offence, shall be punished by imprisonment for a maximum term of two years or may be released from punishment.

(6) Facilities and other real estate used for terrorist activities, as well as items and means which are intended or have been used for the perpetration of the offence referred to in this Article shall be seized.

### **Public Incitement to Terrorist Activities Article 302**

Whoever publically expresses or disseminates ideas whose aim is to indirectly or directly incite to perpetration of criminal offenses stipulated in Chapter XXIII of this Code, as well as other offences perpetrated with the aim of intimidating population or unduly compelling the authorities of the Republika Srpska to perform, or to abstain from performing any act, shall be punished by imprisonment for a minimum term of three years.

### **Recruitment and Training for Committing of Terrorist Acts Article 303**

(1) Whoever, with the intention of committing criminal offenses stipulated in Chapter XXIII of this Code, as well as other offences perpetrated with the aim of intimidating population or unduly compelling the authorities of the Republika Srpska to perform, or to abstain from performing any act, recruits another person to perpetrate, participate or aide in the perpetration of such criminal offences, or to join a group or association which have the aim of perpetrating any of these criminal offenses, shall be punished by imprisonment for a minimum term of three years.

(2) The punishment under Paragraph 1 of this Article shall be imposed on anyone who agrees with another to perpetrate offences under Paragraph 1 of this Article or whoever invites another to join a group or association which have the aim of perpetrating any of these criminal offenses.

(3) The punishment under Paragraph 1 of this Article shall be imposed on anyone who with the intention of committing criminal offenses stipulated in Chapter XXIII of this Code gives instructions on making or using explosives or explosive devices, firearms or other weapons or harmful or hazardous substances, or trains another with the aim of perpetrating or taking part in perpetration of these criminal offenses, or whoever renders resources or gives available premises to be used for training for perpetration of these criminal offences.

(4) Facilities and other real estate as well as items or means used or which have been intended for terrorist training, recruitment and the perpetration of terrorist acts shall be seized.

### **Forming and Training of Groups for Joining Foreign Terrorist Organizations Article 304**

(1) Whoever recruits, incites, trains, equips, organizes or in any other way mobilizes individuals or groups of persons with the aim of joining foreign paramilitary or militia formations perpetrating terrorist activities, shall be punished by imprisonment for a minimum term of three years.

- (2) Whoever collects financial or other resources, makes plans or makes arrangements with others, or recruits another or undertakes any other action to create necessary conditions for the commission of a criminal offence under Paragraph 1 of this Article, shall be punished by imprisonment for a term of between two and fifteen years.
- (3) Whoever publicly, through media or in any other way sends a message to the public with the aim of inciting others to perpetration of offences under Paragraph 1 of this Article, shall be punished by imprisonment for a term of between one and ten years.
- (4) If a criminal offence under Paragraph 1 of this Article is committed by a group of persons who joined with the intention of committing such criminal offence, the perpetrator shall be punished by imprisonment for a minimum term of five years.
- (5) A perpetrator of the criminal offence under Paragraph 1 of this Article, who exposes the group or a leading group members before the criminal offence has been discovered, or if, by this, a perpetration of a criminal offence has been prevented, shall be punished by imprisonment for a term of between six months and two years or may be released from the punishment.
- (6) Training facilities, financial and all other means which have been used or which have been intended for perpetration of a criminal offence from this Article shall be seized.
- (7) The punishment under Paragraph 1 of this Article shall be imposed on anyone who joins foreign paramilitary or militia formations perpetrating terrorist activities.

### **Taking of Hostages Article 305**

- (1) Whosoever unlawfully confines, keeps confined or in some other way deprives another of his liberty, restricts his freedom of movement, captures, detains, threatens to kill, injure or continue to detain that person as a hostage, with the intention of compelling the Republika Srpska to perform or to abstain from performing any act, as an explicit or implicit condition for the release of a hostage, shall be punished by imprisonment for a term of between one and ten years.
- (2) If, as a result of any offence committed under paragraph 1 above, the death of any hostage is caused, the offender shall be punished by imprisonment for a minimum term of five years.
- (3) If, in the course of the commission of any offence under paragraph 1 above, the offender deprives a hostage of his life intentionally, he shall be punished by imprisonment for a minimum term of ten years or long-term imprisonment.

## **CHAPTER XXIV CRIMINAL OFFENCES AGAINST THE AUTHORITIES OF REPUBLIKA SRPSKA**

### **Obstructing an Official in Execution of His Official Duty Article 306**

(1) Whoever, by force or threat of immediate use of force, prevents an official from performing an official act falling within the scope of his authority or, by using the same means, coerces him to perform an official act, shall be punished by imprisonment for a term of between six months and three years.

(2) If, by the criminal offense referred to in paragraph 1 of this Article, the official person is maltreated or a bodily injury is inflicted upon him, or the criminal offense has been perpetrated by threatening to use weapons,

the perpetrator shall be punished by imprisonment for a term between one and five years.

(3) If, by the criminal offense referred to in paragraphs 1 and 2 of this Article, a grave bodily injury is inflicted upon an official person, or if these offences have been perpetrated against an official person carrying out the work related to the security, the apprehension of perpetrators of criminal offenses or to the guarding of confined persons, the perpetrator shall be punished by imprisonment for a term of between one and ten years.

(4) An attempt of a criminal offence under paragraph 1 is punishable.

(5) If the perpetrator of the criminal offense referred to in paragraphs 1 through 3 of this Article has been provoked by illegal or rude treatment on the part of the official person, he may be relieved of punishment.

#### **Participation in a Group Obstructing an Official in Execution of His Official Duty Article 307**

(1) Whoever participates in a group which jointly obstructs or attempts to obstruct an official in the execution of his official duty, or compels an official to carry out his official duty,

shall be fined or punished by a term of imprisonment of maximum three years for being a party to the group.

(2) Whoever organizes or in any way directs a group committing an offence under paragraph 1 of this Article,

shall be punished by imprisonment for a term of between one and five years.

#### **Attacking an Official in the Execution of Duties Article 308**

(1) Whoever attacks or seriously threatens to attack an official person, shall be punished by a fine or by imprisonment for a term of not more than three years.

(2) Where in the course of the commission of an offence under paragraph 1 of this Article, bodily injury is inflicted upon the official, or if the offender threatens to use a weapon,

the offender shall be punished by imprisonment for a term of between six months and five years.

(3) An attempt of a criminal offence under paragraph 1 is punishable.

(4) Whoever commits any offence under paragraphs 1 to 3 of this Article having been provoked by the unlawful or harsh treatment by an official,

may be released from the punishment.

**Unlawful Changing the Territorial Organization of the Republika Srpska  
Article 309**

Whosoever changes or attempts to change the territorial organization of the Republika Srpska defined by law by use of force or serious threat of use of force or in any other unlawful manner,  
shall be punished by imprisonment for a term of between six months and three years.

**Unauthorized Performance of Certain Activity  
Article 310**

Whoever without permission performs a certain activity, where there is a legal requirement to obtain permission to do so from the relevant authority or organization,  
shall be fined or punished by imprisonment to a maximum term of one year.

**Removing or Damaging an Official Seal or Sign  
Article 311**

(1) Whoever removes or damages an official seal or sign applied by an authorized official for the purpose of safe-keeping particular items or premises, or whoever without removing or damaging the seal or sign enters such premises or opens the item officially sealed or marked,  
shall be punished by a fine or by term of imprisonment of maximum one year.(2) An attempt of a criminal offence under paragraph 1 is punishable.

**Removing or Destroying Official Seal or Official Files  
Article 312**

(1) Whoever unlawfully removes, conceals, destroys, damages or in some other way renders useless an official seal, register, file or document belonging to or in the possession of a state agency, company, institution or another legal person performing public functions,  
shall be punished by a fine or by imprisonment for a term of maximum three years.  
(2) An attempt of a criminal offence under paragraph 1 is punishable.

**Impersonation  
Article 313**

(1) Whoever falsely claims to be an official or a military person, or without authority wears any insignia of an official or a military officer, with a view to obtaining a benefit for her/himself or another, or to cause damage to a third person,  
shall be fined or punished by a term of imprisonment of maximum one year.  
(2) The punishment under paragraph 1 of this Article shall also be imposed on anyone performing an activity which only a designated official is authorized to perform.

**Autocracy  
Article 314**

- (1) Whoever arbitrarily exercises a right or a right s/he believes s/he has, shall be punished by a fine or by term of imprisonment of maximum one year. (2) Whoever arbitrarily exercises a right or a right s/he believes s/he has by using force or the serious threat of force against life and limb or as a party to an organized group, shall be punished by imprisonment for a term of between six months and three years. (3) Whoever commits an offence under paragraph 1 of this Article on behalf of another, shall be punished by sentence prescribed for the offence. (4) Prosecution of the criminal offence under paragraph 1 of this Article shall be carried only on request.

**CHAPTER XXV  
CRIMINAL OFFENCES AGAINST OFFICIAL DUTIES**

**Abuse of Office or Official Authority  
Article 315**

- (1) An official or responsible person who, by taking advantage of his office or official authority, exceeds the limits of his official authority or fails to execute his official duty to the benefit of himself or another person, causes damage to another or seriously infringes rights of another, shall be punished by imprisonment for a term of between one and five years. (2) Where any material gain obtained in the course of the commission of an offence under paragraph 1 of this Article is more than BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and ten years and where the material gain is more than BAM 50,000.00, the offender shall be punished by imprisonment for a term of between two and twelve years. (3) The punishments under paragraphs 1 and 2 of this Article shall be imposed upon any official or responsible person in a foreign legal person which has a representative office or carry out its activities in the territory of the Republika Srpska, or a person which performs duties of public interest if a criminal offence is committed during the period of carrying out his authorizations or duties. (4) If a

**Embezzlement  
Article 316**

- (1) Whoever unlawfully appropriates money, securities or other movables entrusted to her/him by virtue of her/his office or, generally, her/his position within an institution or legal person, shall be punished by imprisonment for a term of between six months and five years.

(2) Where any material gain acquired in the course of the commission of any offence under paragraph 1 of this Article is less than BAM 300.00, and the offender's intention is to obtain small value,

he shall be punished by a fine or a term of imprisonment of maximum one year.

(3) Where any material gain obtained in the course of the commission of an offence under paragraph 1 of this Article is more than BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and eight years and where the material gain is more than BAM 50,000.00,

the offender shall be punished by imprisonment for a term of between two and ten years.

### **Fraud in Office Article 317**

(1) An official or responsible person who, with the intention of acquiring an unlawful material gain for her/himself or another, submits false accounts or otherwise deceives an authorized person into making an illegal disbursement,

shall be punished by a term of imprisonment of six months and five years.

(2) Where any material gain acquired in the course of the commission of an offence under paragraph 1 of this Article is more than BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and eight years and where the material gain is more than BAM 50,000.00,

the offender shall be punished by imprisonment for a term of between two and ten years.

### **Unauthorized Use of Official Property Article 318**

Whoever makes an unauthorized use of money, securities or other movables entrusted to her/him by virtue of her/his office within a republic institution or legal person generally or without authority passes the same to another for unauthorized use,

shall be punished by a fine or a term of imprisonment of maximum two years.

### **Accepting Bribe Article 319**

(1) An official or responsible person who demands or accepts a gift or any other benefit or who accepts the promise of a gift or other benefit for himself or for other person in order to perform, within his official authorizations or in connection to his official authorizations, an official act, which must not be performed by him, or not to perform an official act, which must be performed by him, shall be punished by imprisonment for a term between two and ten years.

(2) An official or responsible person, who demands or accepts a gift or any other benefit or who accepts the promise of a gift or a benefit for himself or for other person in order to perform, within his authorizations or in connection to his authorizations, an act, which must be performed by him, or not to perform an act, which must not be performed by him, shall be punished by imprisonment for a term between one and eight years.

(3) An official or responsible person, who demands or accepts a gift or any other benefit after the performance or failure to perform an official duty referred to in paragraphs 1

and 2 of this Article in connection with the performance or failure to perform, shall be punished by imprisonment for a term of maximum three years.

(4) A foreign official or responsible person who perpetrates the offence referred to in paragraphs 1 to 3 of this Article shall be punished with a punishment for that offence.

(5) The accepted gift or material gain acquired by perpetration of offences referred to in this Article shall be forfeited.

### **Offering Bribe Article 320**

(1) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations or in connection to his official authorizations, an official act which must not be performed by him, or abstains from performing an official act which must be performed by him, or whoever mediates in such bribing of the official person, shall be punished by imprisonment for a term between six months and five years.

(2) Whoever makes, offers or promises a gift or any other benefit to an official or responsible person in order that he performs, within his official authorizations, an official act which must be performed by him, or abstains from performing an official act which must be not performed by him, or whoever mediates in such bribing of the official person, shall be punished by imprisonment for a term up to three years.

(3) Provisions of paragraphs 1 and 2 of this Article shall apply also when the bribe is given, offered or promised to the foreign official or responsible person.

(4) The perpetrator of the offence referred to in paragraphs 1 and 3 of this Article who reported the offence before it was been discovered, may be acquitted.

(5) Given gift, i.e. other benefit that is seized from the person who received the bribe may be in the case referred to in paragraph 4 of this Article returned to the person who gave the bribe.

### **Trading in Influence Article 321**

(1) Whoever demands or accepts a reward or any other benefit for himself or for another person, directly or through a third party for interceding that that an official act be or not be performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and five years.

(2) Whoever, directly or through a third party, offers or gives a reward or any other benefit for interceding that that an official act be or not be performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term up to three years.

(3) Whoever intercedes that that an official act, which must not be performed, be performed, or that that an official act, which must be performed, be not performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between one year and eight years.

(4) Whoever, directly or through a third party, promises, offers or gives a reward or any other benefit for interceding that that an official act, which must not be performed, be

performed, or that that an official act, which must be performed, be not performed by taking advantage of his official or social position or his actual or presumed influence, shall be punished by imprisonment for a term between six months and five years.

(5) If a reward or any other benefit has been demanded or received in return for interceding referred to in paragraph 3 of this Article, the perpetrator shall be punished by imprisonment for a term between two and twelve years.

(6) A foreign official or responsible person who perpetrates the offence referred to in paragraphs 1 to 4 of this Article shall be punished for that offence.

(7) A reward or material gain acquired by perpetration of offences referred to in this Article shall be forfeited.

### **Negligent Behaviour in Office Article 322**

(1) An official or responsible person who, by knowingly breaching the law or other regulations, fails to exercise due supervision or in any other way manifestly acts in a clearly negligent manner in the performance of her/his official duties, although s/he was aware or was obliged to be aware that it could result in a serious breach of the rights of another or major property damage, thereby causing such breach or property damage, shall be fined or punished by a term of imprisonment of maximum two years.

(2) Where a serious breach of the rights of another or damage to property of more than BAM 50,000.00 occurs as a result of an offence under paragraph 1 of this Article, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Disclosure of an Official Secret Article 323**

(1) An official or responsible person who, without authority communicates, conveys or otherwise discloses to another person information which constitutes an official secret, or who obtains such information with the intention of conveying it to an unauthorized person, shall be punished by imprisonment for a term of maximum three years.

(2) The punishment under paragraph 1 of this Article shall be imposed upon anyone who, with the intention of making the unauthorized use of such information, unlawfully obtains any information kept as an official secret or who without permission discloses such information.

(3) Where an offence under paragraph 1 of this Article is committed for gain or in respect of highly confidential information or for the purpose of disclosing or using the information abroad, the offender shall be punished by imprisonment for a term of between one and eight years.

(4) Where an offence under paragraph 1 of this Article is committed through negligence, the offender shall be fined or punished by a term of imprisonment of maximum one year.

(3) (5) Whoever, with the intention of making public irregularities in the organization, performance or management of the service, discloses or facilitates the disclosure of an official secret the subject of which is contrary to the constitutional provisions of the

Republika Srpska, shall commit no offence under paragraph 2 of this Article provided that the disclosure has no substantial prejudicial consequences for the Republika Srpska.

(6) An official secret is so construed that it includes information or documents that have been designated as official secret by virtue of a law, a regulation or an enactment of a competent body in pursuance of the law and the disclosure of which would or could have serious consequences for the service.

### **[Misappropriation of budgetary means Article 324**

A responsible person of the beneficiary of the budgetary means or a responsible person that disposes with non-budgetary funds who creates obligations upon any reason whatsoever that are exceeding the available threshold over the budget, financial plan or an act of the respective authorities of BAM 10.000,00 or more, other than justified obligations that cannot be influenced upon, shall be fined or punished by imprisonment of up to three years.

### **Unlawful preferential treatments of economy subjects Article 325**

(1) An official or responsible person who provides preferential treatment to one of economy subjects by making adjustments of conditions of a public procurement or enters a contract with the bidder whose offer was in contradiction with the conditions of the bidding documentation, shall be punished by imprisonment of one to five years as well as by a fine.

(2) The punishment under paragraph 1 of this Article shall be applicable onto official or responsible person who uses his/her position or authorization in giving preferential treatment, taking over or arranging contracting for his/her business or the business of persons that s/he has economic affiliation.

### **Unlawful Collection and Disbursement Article 326**

An official or responsible person who collects from another something which the latter is not obliged to pay, or is in excess of what the other is obliged to pay, or who delivers less or pays less than is required on delivery or payment, shall be fined or punished by a term of imprisonment of maximum one year.

### **Unlawful Release of a Detainee Article 327**

An official who unlawfully releases another in her/his detention that was entrusted to his duty of care, or who aids her/his escape, or facilitates any unlawful communication or correspondence the purpose of which is the preparation of an escape, shall be punished by a fine or imprisonment for a term of maximum three years.

**Extraction of Statements  
Article 328**

(1) Any official who, in the discharge of his/her duty, uses force, threat or other unauthorized method or means to extract information or some other statement from any suspect i.e. defendant, witness, expert witness or any other person, shall be punished by imprisonment for a term of between six months to five years.

(2) If the extraction of the said information or statement is accompanied by serious violence, or if the suspect i.e. defendant suffers serious consequences as a result of making his statement under duress, the offender shall be punished by imprisonment for a term of between one and eight years.

**Offence against Human Dignity by Abuse of Office or Official Authority  
Article 329**

An official who, by taking advantage of his/her office or official authority, abuses, intimidates or inflicts bodily injury on another or treats him/her in a manner offensive to dignity of the person, shall be punished by imprisonment for a term of maximum three years.

**Unlawful Appropriation of Objects in the Course of Search or Execution of an  
Enforcement Order  
Article 330**

(1) An official who, in the course of a search of premises or persons, or while executing an enforcement order in a court ordered or administrative procedure, takes a movable object with the purpose of obtaining unlawful material benefit for herself/himself or another, shall be punished by imprisonment for a term of between six months to five years.

(2) When the object taken away in the commission of an offence under paragraph 1 is of high value, shall be punished by imprisonment for a term of between one and eight years.

**CHAPTER XXVI  
CRIMINAL OFFENCES AGAINST JUDICIARY**

**Failure to Report the Preparation of Criminal Offence  
Article 331**

(1) Whoever, knowing of preparations to commit a criminal offence punishable by a term of imprisonment of five years or more fails to report the same at a time when the commission of the offence may be prevented, and the offence is attempted or committed, shall be fined or punished by a term of imprisonment of maximum one year.

(2) Whoever fails to report any preparation to commit a criminal offence punishable by long-term imprisonment,

shall be punished by a term of imprisonment of maximum three years.

(3) No punishment for failing to report any preparation to commit a criminal offence under paragraph 1 of this Article shall be imposed on a person if that person is the offender's spouse, cohabiting partner, first-line blood relative, brother or sister, adoptive parent or adopted child or their spouse or cohabiting partner sharing a valid common law marriage.

(4) A more lenient punishment may be imposed on the offender of an offence under paragraph 2 of this Article who is in some kind of relation set out in paragraph 3 of this Article with the person who prepares an offence.

### **Failure to Report a Criminal Offence or Offender Article 332**

(1) Whoever, knowing the identity of someone committing a criminal offence punishable by a term of imprisonment of ten years or long term imprisonment, or whoever, knowing of the commission of such an offence, fails to report the same before discovery of the offender or the offence has occurred,

shall be fined or punished by a term of imprisonment of maximum three years.

(2) An officer who arbitrarily fails to report a criminal offence that is ex officio prosecuted and punishable by a term of imprisonment of five years or more which s/he has discovered in the course of her/his duties,

shall be punished by imprisonment for a term between six months and five years.

(3) No punishment for failure to report any of the criminal offences under paragraphs 1 and 2 of this Article shall be imposed upon a person if the offender is the spouse, cohabiting partner, first-line blood relative, brother, sister, adoptive parent or adopted child and their spouse or cohabiting partner sharing a valid common law marriage, or defence lawyer, or confessional religious official of the offender.

### **Accessory After the Fact Article 333**

(1) Whoever harbours a person who has committed a criminal offence ex officio prosecuted or aids her/him to avoid detection by concealing the tools or the traces of an offence, or aids him/her in any other way, or whoever harbours a convicted person or acts so as to prevent the execution of punishment, security measure or correctional measure against another or the committal of another to a correctional institution,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) Whoever renders any assistance to a person having committed a criminal offence punishable by a term of imprisonment of five years or more,

shall be punished by a fine or term of imprisonment of maximum three years.

(3) Whoever renders any assistance to a person having committed a criminal offence punishable with long-term imprisonment,

shall be punished by imprisonment for a term of between one and eight years.

(4) The punishment imposed for any of the offences under paragraph 1 of this Article may not exceed the punishment prescribed for the offence in respect of which the accessory after the fact has occurred,

(5) The punishment for any offence under paragraphs 1 to 3 of this Article shall not be imposed upon anyone who is the offender's spouse, cohabiting partner in a common law marriage, first-line blood relative, brother, sister, adoptive parent or adopted child or their spouse or cohabiting partner sharing a valid common law marriage.

### **False Report Article 334**

(1) Whoever, knowing that a person is not guilty, reports that person as having committed a criminal offence that is prosecuted ex officio, shall be fined or punished by a term of imprisonment of maximum two years.

(2) The punishment under paragraph 1 of this Article shall also be imposed on a person who fabricates evidence of a criminal offence or in some other way causes the institution of a prosecution against another person whom s/he knows not to have committed an offence, for a criminal offence that is prosecuted ex officio.

(3) Whoever charges herself/himself with the commission of a criminal offence that is prosecuted ex officio, although having not committed a criminal offence, shall be fined or punished by a term of imprisonment of maximum six months.

(4) The punishment under paragraph 3 of this Article shall be imposed on anyone who reports a criminal offence that is prosecuted ex officio although s/he knows that such offence has not been committed.

### **Making a False Statement Article 335**

(1) A witness, expert witness, translator or interpreter who makes a false statement before a court, in disciplinary, misdemeanour, administrative or other statutory proceedings, shall be fined or punished by a term of imprisonment of maximum two years.

(2) The punishment under paragraph 1 of this Article shall be imposed on any person who gives false testimony in the hearing of statutory or administrative proceedings and the decision is based on such testimony.

(3) Where the false statement is made in the course of criminal proceedings, the offender shall be punished by imprisonment for a term of between six months and five years.

(4) Where there are exceptionally serious consequences for the accused as a result of an offence under paragraph 3 of this Article, the offender shall be punished by a term of imprisonment of between one and eight years.

(5) If the offender voluntarily withdraws his false statement before the finally binding decision has been given, s/he shall be fined and may be released from punishment.

**Falsifying Evidence**  
**Article 336**

(1) Whoever, with the intention of obstructing or impairing the gathering of evidence, conceals, destroys, damages or renders unusable an object or a document which serves as evidence, or moves or dislocates a boundary marker, geodetic mark or any other marker designed to demarcate the ownership of real property, or who, with the same intention, places a marker in a way which is misleading,

shall be punished by a term of imprisonment of maximum three years.

(2) Whoever, by the use of force, threat, or any other form of coercion forces or in return for the promise of a gift or some other benefit makes a witness or an expert witness give false testimony in a court, administrative, misdemeanour or disciplinary proceedings , shall be punished by imprisonment for a term of six months and five years.

**Breach of Confidentiality of Proceedings**  
**Article 337**

(1) Whoever, without authorization, discloses information received in the course of court proceedings or in the course of, misdemeanour, administrative or other statutory proceedings, which must not be disclosed according to the law or have been pronounced confidential by the decision of the court or a relevant authority,

shall be fined or punished by a term of imprisonment of maximum one year.

(2) Any person who without authorization of the court releases the status of criminal proceedings against a juvenile, her/his name or the verdict passed in the proceedings shall be fined or sentenced to up to three years of imprisonment.

**Disclosure of Identity of a Protected Witness**  
**Article 338**

A judge or other official person who having heard the testimony of a protected witness in criminal proceedings, who discloses to an unauthorized person details revealing the identity of a protected witness,

shall be punished by imprisonment for a term of between six months and five years.

**Attack on a Judge or a Public Prosecutor**  
**Article 339**

(1) Whoever attacks or makes a serious threat of attacking a judge or a public prosecutor in the course of their duties, shall be punished by a term of imprisonment between one and eight years.

(2) Whoever, by the use of force, threat of use of force or in any other way, obstructs or prevents a judge or a public prosecutor from performing their duties, shall be punished by a term of imprisonment between one and five years,

(3) If a serious bodily injury was inflicted onto someone by the act under the paragraphs 1 and 2 of this Article, or the act has been carried out by means of threat of murder,

kidnapping, use of weapons or by a group, the offender shall be punished by term of imprisonment between two and twelve years.

(4) If the act under paragraphs 1, 2 and 3 of this Article caused death of a person, the offender shall be punished by imprisonment for a term of not less than eight years.

### **Contempt of Court Article 340**

Whoever, in the course of proceedings in court, holds in contempt a court of law or a judge or whoever does it by a written submission to a court, shall be fined or punished by a term of imprisonment of maximum one year.

### **Failure to Enforce or Comply with a Judgment of the Court Article 341**

(1) Any official or responsible person who willingly fails to comply with the final and binding verdict of a court,

shall be fined or punished by a term of imprisonment of maximum three years.

(2) The punishment under paragraph 1 of this Article shall be imposed on an official or a responsible person, who refuses to enforce a decision of the Constitutional Court of Republika Srpska which s/he is obliged to do.

(3) Where a serious breach of the right of another or extensive damage to property occurs as a result of any offence under the paragraphs 1 and 2 of this Article, the offender shall be sentenced to a term of imprisonment of between one and five years.

### **Breach of Court Order on the Prohibition on the Performance of Duties or a Profession Article 342**

Whoever, knowing that another has been prohibited by the court from performing her/his profession, business or duties or duties by reason of a lawful conviction or by application of a security measure of ban of duties, profession or vocation or by imposing a protective measure of ban from performance of some duties or such ban is a result of a conviction, allows that person to perform any of those professions, businesses or duties, shall be fined or punished by a term of imprisonment of maximum one year.

### **Riot by Detained Persons Article 343**

(1) Persons lawfully detained and associating with others lawfully detained with the intention of escaping by force or of jointly attacking guards securing them, or to force or threaten by force guards to do or neglect to perform their duty or contrary to their duty, shall be punished by a term of imprisonment of maximum three years.

(2) The offenders under paragraph 1 of this Article, who use force or serious threat,

shall be sentenced to a term of imprisonment of between one and five years.  
(3) An offender under paragraph 1 of this Article who voluntarily abandons the riot prior to the use of force or serious threat occurring, shall be released from punishment.

### **Escape of a Detained Person Article 344**

Whoever is lawfully detained and, by force or by directly threatening the life or limb of another, escapes, shall be sentenced to a term of imprisonment term of between six months to five years.

### **Facilitating the Escape of a detained Person Article 345**

(1) Whoever by force or threat of force, deceit or otherwise facilitates the escape of a person in lawful detention, shall be punished by imprisonment for a term of between six months and five years.  
(2) Where the offence under paragraph 1 of this Article is committed by a group or an escape of several persons is facilitated, the offender shall be punished by imprisonment for a term of between one and eight years.

### **Breach of Law by a Judge or Public Prosecutor Article 346**

(1) A judge or a public prosecutor who in the course of his/her duties, with intention to provide themselves or another with a benefit, or cause damages to another, issues an unlawful decision or violates the law in any other way, shall be punished by a term of imprisonment of between six months and five years.  
(2) The same punishment shall be imposed onto a judge of the Constitutional Court of the Republika Srpska, who, in the course of proceedings before the Constitutional Court of the Republika Srpska, commits the criminal offense under paragraph 1 of this Article.  
(3) If the criminal offense under paragraphs 1 and 2 of this Article resulted in benefit or damages in amount that exceeds BAM 10.000,00, the offender shall be punished by term of imprisonment between one and eight years; if the damages amounts to over BAM 50.000,00 the offender shall be punished by term of imprisonment between two and twelve years.

## **C H A P T E R XXVII CRIMINAL OFFENCES AGAINST LEGAL PROCEDURES**

### **Forging Documents Article 347**

(1) Whoever creates a false document or alters a genuine document for the purpose of using it with alterations as being genuine, or whoever uses a false or altered document as being genuine or obtains it to this end,

shall be fined or punished by a term of imprisonment of up to three years.

(2) Whoever creates a false public document, will, bill of exchange, cheque, public or official record or any other record maintained according to the law or whoever alters such genuine document and places such forged or altered document in circulation or keeps it in order to use it as being genuine, or uses it as being genuine,

shall be punished by imprisonment for a term of up to five years.

(3) Attempt of the act as described by paragraph 1 of this Article is punishable.

### **Special Cases of Forging Documents**

#### **Article 348**

The following persons shall be liable to punishment under Article 347(1) of this Code:

1) whoever, without authority, completes a document, form or some other file containing a statement that creates legal relations which has already been signed by another person;

2) whoever deceives another person as to the content of a certain document and if the latter signs the document believing that s/he is signing a document of another kind or with some other content;

3) whoever issues a document on behalf of another person without authority or on behalf of a person who does not exist;

4) whoever issues a document falsely claiming by her/ his signature to hold a certain position, title or rank, and this substantially affects the weight of the evidence of the document.

5) whoever issues a document by using a genuine seal or mark without authority.

### **Forging or Destroying an Official Document**

#### **Article 349**

(1) An official or responsible person who enters false data in an official or business document, record or file, or who fails to enter important data, or who by her/his signature or official seal certifies an official or business document, record or file containing false data, or who by her/his signature or official seal facilitates the drawing up of such documents, records or files containing false data,

shall be punished by imprisonment for a term of up to five years.

(2) The punishment under paragraph 1 of this Article shall be imposed on an official or responsible person who, in the course of duty or business, uses a false official or business document, book or record as if authentic, or who destroys, conceals, substantially damages or otherwise renders unusable any official or business document, record or file.

### **Manufacturing, Procuring, Possessing, Selling and Lending Equipment for Counterfeiting**

#### **Article 350**

(1) Whosoever manufactures, procures, owns, sells or lends equipment for the manufacture of false documents,

shall be punished by a fine or imprisonment for a term of maximum two years.

(2) Any equipment for counterfeiting shall be forfeited.

### **Misleading into Certification of False Content Article 351**

(1) Whoever misleads a competent body into certifying any false matter in a public record, register or book, which has the purpose of providing evidence in legal transactions,

shall be punished by a fine or imprisonment for a term of maximum two years.

(2) The punishment under paragraph 1 of this Article shall be imposed on those who use a record, register or book knowing it to be falsely certified.

### **Issuing or Using a False Medical or Veterinary Health Certificate Article 352**

(1) A doctor of medicine, or veterinary surgeon who issues medical or veterinary health certificate knowing it to be false,

shall be punished by a fine or a term of imprisonment of maximum one year.

(2) The punishment under paragraph 1 of this Article shall be imposed upon anyone who uses a medical or veterinary health certificate knowing it to be false.

### **Falsifying and Abuse of Securities Article 353**

1) Whoever produces false securities or alters genuine securities with intention to use them as genuine or to give them to another person to use or whoever uses those falsified securities as accurate or procures them in such way shall be punished by a fine and a term of imprisonment up to two years.

2) If the total amount that the value of securities is stated to be under paragraph 1 of this Article exceed BAM 10.000,00, the offender shall be punished by a term of imprisonment between one and eight years, should that value exceed BAM 50.000,00, the term of imprisonment shall be between two and ten years.

3) Whoever uses falsified securities s/he received as accurate in legal transaction, knowing they are false, shall be punished by a fine or a term of imprisonment of up to one year.

4) Falsified securities shall be forfeited.

### **Falsifying Credit Cards and Cards for Non-Cash Payments Article 354**

(1) Whoever makes a false credit card or card for non-cash payment or alters such genuine card intending to use it as genuine or who uses such false card as a genuine one, shall be punished by a fine or term of imprisonment up to one year.

(1) If the offender under paragraph 1 of this Article procured illicit gain by the use of such card, s/he shall be punished by a fine or term of imprisonment up to three years.

(2) If the offender under paragraph 1 of this Article procured illicit gain in the amount that exceeds BAM 10.000,00, s/he shall be punished by a term of imprisonment between one and eight years, if the amount exceeds BAM 50.000,00, s/he shall be punished by term of imprisonment between two and ten years.

### **Counterfeiting of Instruments of Monetary Value Article 355**

(1) Whoever produces false instruments of monetary value or alters genuine instruments of monetary value with the intention of passing them off as genuine or permitting another to use them, or uses such false instruments of monetary value as genuine or obtains them with such intention, shall be punished by a fine or imprisonment for up to two years.

(2) If the instruments of monetary value under paragraph 1 of this Article exceed 10,000.00 KM, the offender shall be punished by imprisonment for a term of between six months and five years and if they exceed 50,000.00 KM, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Whoever removes the canceling stamp from any instrument of monetary value or, in any other way, and for the purpose of using it again, attempts to make such false instruments appear unused, or utilizes used instruments or sells them as valid, shall be punished by a fine or imprisonment for a maximum term of one year.

(4) Any false instruments of monetary value shall be forfeited.

### **Manufacturing, Buying, Possessing, Selling and Lending Equipment for Counterfeiting Article 356**

(1) Whoever manufactures, buys, possesses, sells or lends equipment for the manufacture of counterfeit money or false securities shall be punished with a sentence of imprisonment for a term of between six months and three years.

(2) Whoever manufactures, buys, sells or lends equipment for the manufacture of false instruments of monetary value, shall be punished by a fine or imprisonment for a maximum term of two years.

(3) Any equipment under paragraphs 1 and 2 shall be forfeited.

### **Counterfeiting of Trade Marks, Measures and Weights Article 357**

(1) Whoever, with the intention of passing them off as genuine, manufactures trademarks or other marks used in the identification of domestic or foreign commodities, such as seals, stamps or hallmarks for branding precious metals, wood, livestock or other commodities, or whoever, with the same intention, alters such genuine trademarks, or whoever uses false trademarks as genuine, shall be punished with a fine or imprisonment for a term of up to three years.

(2) The punishment under paragraph 1 of this Article shall be imposed also upon a person who falsifies measures or weights.

- (3) Whoever manufactures, buys, sells or lends equipment for the manufacture of false marks of labeling or false measures and weights, shall be punished by a fine or imprisonment for a maximum term of two years.
- (4) Any false marks, measures and weights shall be forfeited.

## **CHAPTER XXVIII**

### **CRIMINAL OFFENCES AGAINST PUBLIC PEACE AND ORDER**

#### **Inciting to Riot**

##### **Article 358**

(1) Whoever participates in a larger group of persons who use violence against other persons, buildings or items or use a serious form of threat to commit violence, disturb public peace and order, shall be punished by a fine or imprisonment of a term of up to three years.

(2) If a criminal offence as described in paragraph 1 of this Article was committed against a larger number of persons, out of hatred, with use of firearm or dangerous tools or a person was inflicted grievous bodily injury or significant property damage was caused, the perpetrator shall be punished by imprisonment of a term of one to eight years.

(3) If as a consequence of the criminal offense referred to in paragraph 1 damage of large extent was made or death of a person was caused, the perpetrator shall be punished by imprisonment of a term of two to twelve years.

(4) Participant of a criminal offense as described by paragraphs 1 and 2 of this Article who leaves the group on request of authorized official prior to violence taking place, shall not be punished.

#### **Incitement to violence and hatred**

##### **Article 359**

(1) Whoever using press, radio, television, computer system or social network, or on public gathering or in public place or in any other way publicly invites, incites to or encourages or makes publicly available any leaflets, pictures, or any other materials that call for violence or hatred against a specific person or groups because of their national, racial, or religious or ethnic affiliation, skin colour, gender, sexual orientation, disability, gender identity, origin or any other characteristics, shall be punished by a fine or imprisonment for a term up to three years.

(2) Whosoever commits an offence under paragraph 1 above by employing duress, abuse, jeopardizing the safety of any person, exposing national, ethnic or religious symbols to derision, damaging other people's belongings, desecrating monuments, memorial sites or graves, shall be punished by imprisonment for a term of between one to five years.

(3) Where an offence under paragraphs 1 and 2 above results in riots, violence or any other serious consequence to the co-existence of the peoples and others who live in the Republika Srpska, the offender shall be punished by imprisonment for a term of between two and twelve years.

(4) Any material or Article bearing messages under paragraph 1 above and equipment for their production, duplication or distribution shall be forfeited.

**Manufacturing and Procuring Weapons and Instruments for the Purpose of  
Committing a Criminal Offence  
Article 360**

(1) Whoever manufactures, keeps, procures or facilitates the obtaining by another of weapons, explosive substances, toxic agents or materials necessary for their manufacture knowing they are to be used in the commission of a criminal offence shall be punished by a fine or imprisonment for a term of up to three years.

(2) Whoever cuts or provides another with a false key, picklock or some other means for burglary knowing it is designed for the commission of a criminal offence shall be punished by a fine or imprisonment for a term of up to two years.

(3) The punishment under paragraph 2 of this Article shall be imposed on anyone who makes, procures, sells or lends instructions or instruments for accessing a computer system.

(4) Any item under paragraphs 1 to 3 above or equipment for their production, transport or distribution shall be forfeited.

**Illegal Manufacture and Selling of Weapons or Explosive Substances  
Article 361**

(1) Whoever without authority manufactures, modifies, keeps, sells, procures, exchanges, brings to the country or take out of it any firearms, chemical, biological or nuclear weapons, ammunition or explosive substances, or any other means of combat which private individuals are forbidden or restricted to manufacture, obtain, sell, carry or keep, shall be punished by term of imprisonment of between six months and five years.

(2) Where an offence under paragraph 1 of this Article involves a large quantity of or high value arms, ammunition, explosive substances or any other means of combat, or where weapons and means of combat are of high destructive force and extremely dangerous, or where an offence is committed by a group, the offender shall be punished by term of imprisonment between one and ten years.

(3) Whoever without authority manufactures, procures, keeps, sells, exchanges, brings into the country or takes out of it, parts or spare parts of weapons, ammunition or explosive substances, or any other parts or means of combat or equipment, material or parts knowing that they would be used in production or use as described by paragraph 1 and 2 of this Article, shall be punished by imprisonment for a term of up to three years for a criminal offense under paragraph 1 of this Article and term of imprisonment between six months and five years for a criminal offense under paragraph 2 of this Article.

(4) Whoever, in public, without authority, carries firearms the citizens are allowed to acquire, without lacking a gun license or permit, shall be fined or punished by a fine or imprisonment for a term of maximum one year.

(5) Any item under the preceding paragraphs or equipment for their production, transport or distribution shall be forfeited.

## **Violent Behavior Article 362**

(1) Whoever verbally assaults or abuses another, or commits an act of violence against another or causes a fight or otherwise jeopardizes the peace of others or causes serious disturbance and fear among citizens or gravely disturbs public peace and order, shall be fined or punished by a term of imprisonment of maximum three years.

(2) Where an offence under paragraph 1 of this Article is committed by a group, or if a number of people is seriously humiliated or abused, or if a bodily injury is inflicted upon another in the course of the offence, the offender shall be punished by imprisonment for a term of between six months and five years.

## **Violence at Sports and Public Events Article 363**

(1) Whoever assaults psychically or is engaged in a psychical altercation with participants of a sports event or a public gathering, demonstrates violence or damages property of significant value on arrival or departure from a sports event or a public gathering, or brings into a sports building or throws into a sports arena, among audience or participants of public gathering items such as firecrackers or other explosive, flammable or hazardous ordinances that can cause bodily injuries or jeopardize health of the participants of sports event or public gathering, or enters without authorization a sport field or part of the stands designated for supporters of the opposing team and causes violence, damages the sports premises, equipment of the premises, appliances and installations, or at sports events or public gathering displays behaviour or voices slogans that stir nationalist, racial, religious or any other form of hate or intolerance on basis of some discriminatory grounds that result in violence or physical altercations with the participants, shall be punished by imprisonment for a term of six months to five years.

(2) If a criminal offense as per the paragraph 1 of this Article was committed by a group, the perpetrator shall be punished by imprisonment for a term of one to eight years.

(3) The group leader that commits the criminal offense referred to in the paragraph 1 of this Article shall be punished by imprisonment for a term of three to twelve years.

(4) Where an offence under paragraph 1 of this Article result in riots that as a consequence have grievous bodily injury to a person or damage of significant value has been made, the perpetrator shall be punished by imprisonment for a term of two to ten years.

(5) Official or responsible person that fails to take measures of ensuring security in the course of organizing a sports event or a public gathering, for the purpose of stopping or preventing riot resulting in jeopardizing life or limb or potential bodily injuries to a number of persons or risk to property of significant value, shall be punished by imprisonment for a term up to three years and by a fine.

(6) The perpetrator of the criminal offense as per the paragraphs 1 to 4 of this Article that have been committed at a sports event shall be pronounced a measure of security and shall be prohibited to attend certain sports events.

(7) Whoever fails to adhere to the measure of security as described in paragraph 6 of this Article, shall be punished by a fine or imprisonment for a term of up to six months.

**Conspiracy to Commit a Criminal Offence**  
**Article 364**

Whoever agrees with another to commit a criminal offence punishable by a term of imprisonment of five years or more, shall be fined or imprisoned for a term of maximum one year.

**Association for the Purpose of Perpetration of Criminal Offences**  
**Article 365**

(1) Whoever organizes or runs a group with a view to committing criminal offences punishable by imprisonment for a term of three or more years, unless a more strict punishment is foreseen for such organizing, shall be punished by imprisonment for a term of between six months and five years.

(2) Whoever organizes or runs an organized criminal group that has an aim to commit a criminal offense as prescribed by this code, unless a more strict punishment is foreseen for such organizing, shall be punished by imprisonment for a term of between one and eight years.

(3) The member of a group under paragraph 1 of this Article, shall be punished by imprisonment of a term up to three years and the member of an organized criminal group under paragraph 2 of this Article, shall be punished by a term of imprisonment between one and five years.

(4) If an act under paragraphs 1 and 2 of this Article is related to a group or an organized criminal group that has an aim to commit criminal offenses punishable by imprisonment of twenty years or long-term imprisonment, the organizer of the group or organized criminal group shall be punished by term of imprisonment of minimum five years and the member of a group or an organized criminal group shall be punished by term of imprisonment between one to ten years.

(5) Organizer of a group or of an organized criminal group under paragraphs 1, 2 and 4 of this Article that reports in a timely fashion or discloses the existence of the group or an organized criminal group or otherwise prevents the commission of a criminal offense for the perpetration of which the group or an organized criminal group was formed, shall be punished by term of imprisonment up to three years or can be released from punishment.

(6) A member of a group or an organized criminal group under paragraphs 3 and 4 of this Article who exposes the group or an organized criminal group prior to committing a criminal offence for the perpetration of which the group or an organized criminal group was formed, or who exposes the leading members of the group or an organized criminal group, shall be punished by a fine or term of imprisonment up to one year or may be released from punishment.

**Commission of a Criminal Offense within a Criminal Association**  
**Article 366**

(1) Whoever commits a criminal offence prescribed by this code as a member of a group or an organized criminal group, unless a more strict punishment is foreseen for a

particular criminal offence, shall be punished by imprisonment for a term between one and fifteen years.

(2) Whoever as a member of a group or an organized criminal group commits a criminal offence prescribed by this code, for which a punishment of imprisonment of three years or a more severe punishment may be imposed, unless a more strict punishment is foreseen for a particular criminal offence, shall be punished by imprisonment for a term not less than three years.

(3) Whoever organizes or runs a group or organized criminal group which acting jointly commits a criminal offence prescribed by this code, shall be punished by imprisonment for a term not less than eight years or a long-term imprisonment.

(4) A member of a group or an organized criminal group which acting jointly commits a criminal offence prescribed by this code, unless a more strict punishment is foreseen for a particular criminal offence, shall be punished by imprisonment for a term between one and ten years.

(5) A member of a group or an organized criminal group referred to in paragraphs 1 through 4 of this Article, who timely reports or exposes the group or an organized criminal group, or their leading members, prior to, as a member or for them, committing a criminal offence for which purpose the group or an organized criminal group was formed, shall be punished by imprisonment for a term of up to two years or may be released from punishment.

### **Participating in a Group Committing a Criminal Offence** **Article 367**

(1) Whoever participates in a group which jointly engages in some violent behavior against people, destroys or causes extensive damage to property or commits any other serious violence or attempts to commit any of these offences, shall be punished for the participation itself by a fine or term of imprisonment up to three years.

(2) Where in the course of committing an offence under paragraph 1 of this Article the death of one or more people or grievous bodily injury to another is caused, the member of the group shall be punished for the participation itself to a term of imprisonment of between one and five years.

(3) The organizer or the leader of a group that commits any offence under paragraphs 1 and 2 of this Article, shall be sentenced to a term of imprisonment of between one and eight years.

### **Gambling** **Article 368**

(1) Whoever, without permission, organizes gambling or other games of chance that are prohibited, shall be punished by a fine or imprisonment for a term of maximum one year.

(2) The punishment under paragraph 1 of this Article shall be imposed on anyone who for a reward gives premises for gambling or facilitates gambling in some other manner.

(3) Whoever uses false or marked cards or practices deceit in any other way in gambling shall be punished by imprisonment for a term of maximum two years and fined.

(4) Any gambling items or money found in gambling shall be forfeited.

**Defiling a Grave or Corpse**  
**Article 369**

(1) Whoever without authority digs over, demolishes, damages or defiles a grave or another place of interment, or otherwise flagrantly violates the memory of the deceased, shall be fined or punished by a term of imprisonment of up to one year.

(2) Whoever without authority excavates, removes, damages, relocates or hides a corpse or a part thereof, or ashes of the deceased, or otherwise desecrate a corpse or any mortal remains, shall be fined or punished by a term of imprisonment of up to three years.

(3) Where an offence under paragraphs 1 and 2 of this Article involves two or more graves or is committed by two or more persons or in a particularly degrading manner or out of hatred, shall be punished by imprisonment for a term of one to five years.

**C H A P T E R XXIX**  
**CRIMINAL OFFENCES AGAINST ENVIRONMENT**

**Environmental Pollution**  
**Article 370**

(1) Whoever, contrary to the legislation on the protection, preservation and improvement of environment, pollutes air, soil or water to a large extent or over a wide area, shall be punished by a term of imprisonment of between six months and three years.

(2) Where an offence under paragraph 1 of this Article results in destruction or major damage to forests and plants and their habitats over a wide area or if the environment has been polluted to such extent that the health of humans and animals is at risk, the offender shall be punished by imprisonment for a term of between one and five years.

(3) If the criminal offences under paragraphs 1 and 2 of this Article are committed out of negligence, the offender shall be punished by a term of imprisonment of up to two years for an offence under paragraph 1 and punished by imprisonment term of between six months and three years for an offence under paragraph 2.

**Environmental Pollution Caused by Waste**  
**Article 371**

(1) Whoever, contrary to the law, recycles, dumps, deposits, collects, stores, imports, exports or transports hazardous waste, nuclear material, or other radioactive or hazardous substances, or arranges the above mentioned or handles them in such a manner that can permanently or significantly jeopardize the quality of air, soil, water or forests, or significantly or in a wider area may jeopardize the plants or animals or endanger lives or health of people, shall be punished by a term of imprisonment of between one and five years.

(2) Whereby the criminal offense under paragraph 1 of this Article had been committed out of negligence, the offender shall be punished by a term of imprisonment of six months to three years.

(3) Whoever, by abuse of official position or authority, authorizes the commission of any actions under paragraph 1 of this Article, shall be punished by imprisonment for a term of between two and eight years.

(4) Where an offence under paragraphs 1 and 3 of this Article results in destruction of animals or plants to a great extent or if the environment is polluted to such an extent that the life or health of people is at risk, the offender shall be punished by imprisonment for a term of between two and ten years, whereas for the offense under paragraph 2 of this Article the punishment shall be a term of imprisonment between one and five years.

### **Noise or Nonionizing Radiation Affecting the Environment Article 372**

(1) Whoever, contrary to the law, creates noise or nonionizing radiation that can be dangerous to the life or health of people shall be punished by a term of imprisonment of between six months to three years.

(2) Where an offence under paragraph 1 of this Article is committed out of negligence, the offender shall be fined or punished by a term of imprisonment of up to one year.

### **Illegal Construction and Operation of Facilities and Equipment Endangering the Environment Article 373**

(1) Whoever, contrary to the law, constructs, puts in operation or manages a facility where dangerous procedures are carried out or they are used as storages or for the use of hazardous substances or means for their production that can significantly jeopardize the quality of the air, soil or waters, or significantly or in a wider area may jeopardize animals or plants, or jeopardize human lives or health, shall be punished by a term of imprisonment of between one and five years.

(2) Where the offense under paragraph 1 is committed out of negligence, the offender shall be punished by a term of imprisonment between six months and three years.

(3) An official or responsible person who, contrary to the law, authorizes construction, putting in operation or allows the use of such facilities or equipment, shall be punished by a term of imprisonment between two to eight years.

### **Damaging Facilities and Equipment for the Protection of Environment Article 374**

(1) Whoever damages, destroys, removes or in some other way renders unusable facilities, equipment or devices for the protection of environment, thereby causing pollution of the air, water or soil to a larger extent or over a wider area, shall be punished by a term of imprisonment between one to three years.

(2) Where an offence under paragraph 1 of this Article results in destruction to animal and plants habitat to a great extent or if the environment is polluted to such an extent that the life or health of people is at risk, the offender shall be punished by imprisonment for a term of between two and eight years.

(3) Where an offence under paragraph 1 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of between six months and three years.

### **Damage or Destruction of Protected Natural Values or Goods** **Article 375**

(1) Whoever, in contrary to the law, destroys, captures, takes captive or is in the possession of protected animal species, plants or some other protected natural value or protected goods, shall be fined or punished by a term of imprisonment of not more than three years.

(2) Where an offence under paragraph 1 of this Article involves strictly protected wild animal species or plants, the offender shall be punished by imprisonment for a term of between one and five years.

(3) If natural goods or value of exceptional importance are destroyed or damaged, the offender shall be punished by imprisonment for a term of between two and eight years.

(4) Where offences under paragraphs 1 to 3 of this Article are committed out of negligence, the offender shall be punished by a term of imprisonment up to one year for an offence under paragraph 1, six months to three years for an offence under paragraph 2, and one to five years for an offence under paragraph 3.

### **Destruction of Habitat** **Article 376**

(1) Whoever, contrary to the law, destroys or causes significant erosion of habitat of protected species of animals or plants shall be fined or punished by a term of imprisonment of up to three years.

(2) Where an offence under paragraph 1 of this Article involves the habitat and/or place of reproduction, rearing offspring, migration or hibernation of species of animals or plants that are strictly protected, the offender shall be punished by imprisonment for a term of between six months and five years.

(3) The punishment under paragraph 2 of this Article shall be imposed on the offender who destroys or causes significant erosion of land in a protected natural resort or in area that is of ecologic value.

(4) Where offences under paragraphs 1 to 3 of this Article are committed out of negligence, the offender shall be punished by a term of imprisonment up to one year for an offence under paragraph 1 and up to three years for offenses under paragraph 2 and 3.

### **Producing Harmful Substances for the Treatment of Animals** **Article 377**

(1) Whoever produces for the purposes of sale, or places into circulation substances for the treatment or prevention of contagion among animals, harmful to their life and health, shall be punished by a term of imprisonment of between six months and three years.

(2) Where death or other serious damage is caused to animals as a result of the offence under paragraph 1 of this Article, the offender shall be punished by a term of imprisonment of between six months and five years.

(3) Where any offence under paragraphs 1 and 2 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of up to one year.

### **Contaminating Food or Water Used by Animals Article 378**

(1) Whoever, by the use of any harmful substance, contaminates food or water for feeding or watering animals and thereby endangers their life and health, shall be punished by a term of imprisonment of six months to three years.

(2) The punishment under paragraph 1 of this Article shall be imposed on anyone who, by the use of any harmful substance pollutes water in a fish farm, lake, river or canal or by stocking them with fish from contaminated waters, thereby endangering the survival of the fish and other water species.

(3) Where the death of a large number of animals or fish of high value occurs as a result of an offence under paragraphs 1 and 2 of this Article, the offender shall be punished by imprisonment for a term of between one to five years.

(4) Where any offence under paragraphs 1 and 2 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of up to one year.

### **Illicit Taking out of or Bringing into the Country of Strictly Protected Plants or Animals or Genetically Modified Organisms Article 379**

(1) Whoever, contrary to the law, trades in, imports, exports, brings into or takes out of the country a strictly protected species of plants or animals, their parts or products, shall be punished by a term of imprisonment of between six months to three years.

(2) Whoever, contrary to the law takes across the border a live genetically modified organism or brings in a live genetically modified organism or a introduces a foreign wild species of microorganisms, plants, or animals to the natural habitat where they cannot naturally survive and thereby causes significant or permanent damage to the nature, shall be punished by a term of imprisonment between one to five years.

### **Damaging the Ozone Layer Article 380**

(1) Whoever, contrary to the law, produces, imports, exports, puts in circulation or uses the substances that cause damage to ozone layer, shall be punished by a term of imprisonment between six months and three years.

(2) Where an offence under paragraphs 1 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of up to two years.

### **Failure to Comply with Regulations for the Suppression of Animal and Plant Diseases**

### **Article 381**

- (1) Whoever fails to comply with the regulations or orders of the relevant authority ordering measures for the suppression or prevention of communicable disease of animals and plants and thereby causes a risk of spreading the disease or agents responsible for the disease or plant pests, shall be punished by a term of imprisonment of between six months and three years.
- (2) The punishment under paragraph 1 of this Article shall also be imposed on anyone who, while the threat of disease or pests that can cause harm to plants lasts, fails to comply with the regulations and orders stipulating measures for the suppression and prevention of the disease and/or pests.
- (3) If substantial damage occurs as a result of any of the offences under paragraphs 1 and 2 of this Article, the offender shall be punished by imprisonment for a term of between one and five years.
- (4) Where any of the offences under paragraphs 1 to 3 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of up to two years.

### **Negligent Conduct in the Circulation of Pesticide Article 382**

Whoever places any pesticide into circulation without permission or substitutes prescribed pesticide with another when substitution is prohibited, or otherwise acts with negligence in the circulation of pesticides and thereby endangers the life or health of people, animals or the environment, shall be fined or sentenced to a term of imprisonment between six months to five years.

### **Treatment by Negligent Veterinary Surgeon Article 383**

- (1) A veterinary surgeon or an authorized veterinary assistant who, in rendering veterinary assistance, prescribes or administers a manifestly inadequate preparation or a manifestly inappropriate method of treatment, or who generally acts in a negligent manner and thereby causes the death of a large number of livestock or poultry, shall be punished by a term of imprisonment of between six months and five years.
- (2) Where an offence under paragraph 1 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of up to two years.

### **Treatment by Unqualified Veterinary Surgeon Article 384**

Whoever works in health protection of animals or performs other duties of a veterinary surgeon without required professional qualifications, shall be punished by a term of imprisonment of between six months to five years.

### **Destruction of Plantations Article 385**

Whoever, by using any harmful substance, causes destruction of plants, fruit trees or other cultivated crop, and whoever thereby inflicts wide scale damage, shall be punished by a term of imprisonment of between six months and three years.

**Failure to Comply with an Order on Measures for the Protection of the Environment**  
**Article 386**

- (1) An official or responsible person, who fails to comply with a decision of the relevant body on measures for the protection of the environment, shall be punished by a term of imprisonment of between six months to three years.
- (2) When imposing a suspended sentence, the court may impose on the offender a condition that s/he must comply with the ordered measures within a certain deadline.

**Importing Hazardous Substances into the Republika Srpska**  
**Article 387**

- (1) Whosoever, contrary to the law, imports into the Republika Srpska radioactive or other substances or waste harmful to the life or health of people, shall be punished by a term of imprisonment of between one and five years.
- (2) Whosoever, by abuse of his position or authority, contrary to the law, facilitates the import of substances or waste under paragraph 1 of this Article into the Republika Srpska, shall be punished by imprisonment for a term of between two and eight years.

**Deforestation**  
**Article 388**

- (1) Whoever, contrary to the law or orders of competent authorities, cuts trees or clears the forest or whoever strips the bark off trees or carries out deforestation in another way or fells a number of trees in a park or a tree alley, shall be punished by a term of imprisonment of between six months and three years.
- (2) Where an offence under paragraph 1 of this Article is committed in a protected forest, national park or some other forest of a special purpose, the offender shall be punished by a term of imprisonment between one and five years.

**Causing Fire**  
**Article 389**

- (1) Whoever causes a forest fire resulting in major damage shall be sentenced to a term of imprisonment between one and eight years.
- (2) The punishment under paragraph 1 above shall be imposed on anyone who causes a fire in a protected forest, national park, orchard or other forest of a special purpose or in grain field.
- (3) Whoever commits any offence under paragraphs 1 and 2 of this Article out of negligence shall be fined or sentenced to a term of imprisonment up to three years.

### **Torture and Killing of Animals** **Article 390**

- (1) Whoever grossly abuses an animal or exposes an animal to unnecessary or prolonged suffering or harm or unlawfully kills them or destroys their habitats to a great extent over a wide area, shall be fined or sentenced to a term of imprisonment up to two years.
- (2) Whoever committing an offense under paragraph 1 of this Article causes the death of larger number of animals of protected species, shall be sentenced to a term of imprisonment between six months and five years.
- (3) If the criminal offences under paragraphs 1 and 2 of this Article were committed out of negligence, the offender shall be punished by a term of imprisonment of up to six months for an offence under paragraph 1 and fined or punished by a term of imprisonment of up to two years for an offence under paragraph 2.

### **Unlawful Usurpation and Exploiting of Natural Resources and Common Goods** **Article 391**

- (1) Whoever, with an intention of possessing and using, usurps a real property that is declared a common good, a cultural monument, a natural rarity or any natural resource, shall be fined and punished by a term of imprisonment of six months to five years.
- (2) Whoever, contrary to the law, exploits mineral resources and other natural resources shall be punished by a term of imprisonment of between one to five years.
- (3) Whereby a criminal offense under paragraph 2 of this Article was committed with aim of acquiring illicit gain, the offender shall be punished by a term of imprisonment of between two and eight years.
- (4) Whoever, by use of his/her official position or authority, enables the actions under paragraph 2 of this Article and damage occurs against the Republic of Srpska or a local self-administrative unit as a result of actions under paragraphs 2 and 3 of this Article, the offender shall be punished by a term of imprisonment of between two to ten years.
- (5) Whereby pollution of environment to the extent of life of health risk to people results from a criminal offense under paragraphs 3 and 4 of this Article, the offender shall be punished by a term of imprisonment of three to ten years.

### **Poaching** **Article 392**

- (1) Whoever hunts game during the close season, or in the area where hunting is prohibited, shall be fined or sentenced to a term of imprisonment of up to one year.
- (2) Punishment under paragraph 1 of this Article shall be imposed on whoever takes a capital game trophy abroad on permanent basis.
- (3) Whoever unlawfully hunts in an area declared as hunting territory, shoots or wounds game or takes captive a living one, shall be sentenced to a term of imprisonment of between six months to three years.
- (4) Whoever commits an offence under paragraph 1 of this Article against big game, shall be sentenced to a term of imprisonment of between one to five years.

- (5) Whoever hunts permanently protected or temporarily protected game the hunting of which is forbidden, or whoever, without license, hunts game for which a special license is required or whoever hunts in a manner or by means that destroys game in a large number, shall be punished to a term of imprisonment of between two and eight years.
- (6) Any game caught and any hunting equipment shall be forfeited.

**Illegal Fishing  
Article 393**

- (1) Whoever catches fish and other freshwater animals during a close season or in a prohibited fishing area, or catches fish and other freshwater animals by using explosives, electric power, poison, tranquilizers causing their death or fishes in any way harmful to fish reproduction, shall be fined or sentenced to a term of imprisonment up to two years.
- (2) Whoever by committing an offence under paragraph 1 of this Article causes the death of a large number of fish or other freshwater animals shall be sentenced to a term of imprisonment between six months and three years.
- (3) Any catch and fishing equipment shall be forfeited.

**CHAPTER XXX  
CRIMINAL OFFENCES AGAINST THE PUBLIC SAFETY OF PERSONS AND  
PROPERTY**

**Causing Public Danger  
Article 394**

- (1) Whoever endangers human life or property of substantial value by fire, flood, explosion, poison or poisonous gas, ionizing or radioactive radiation, mechanical force, electricity or other form of energy, or by shooting from firearms or in some other dangerous manner or by some other dangerous means, shall be punished by imprisonment for a term of six months to five years.
- (2) The punishment under paragraph 1 of this Article shall also be imposed on an official or any other responsible person who fails to install proper equipment for protection against fire, explosion, flooding, poisonous gases or ionizing or radioactive radiation, electricity or other dangerous agents, or fails to maintain the said equipment in good working order, or fails to utilize them when required, or generally fails to comply with rules or technical regulations on protective measures, and who thereby endangers human life or property on a large scale.
- (3) Where any offence under paragraphs 1 or 2 of this Article is committed in place where a large number of people is gathered, the offender shall be punished by imprisonment for a term of between one and eight years.
- (4) Whoever commits any offence under paragraphs 1 or 2 of this Article out of negligence shall be punished by a fine or imprisonment for a term up to three years.
- (5) Whoever commits offence under paragraphs 1, 2 or 3 of this Article out of hatred, the offender shall be punished by imprisonment for a term of between one and ten years.
- (6) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1, 2, 3 or 4 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to ten years for

any of the offences under paragraphs 1 and 2, between two and twelve years for any of the offences under paragraph 3 and between one and eight years for any of the offences under paragraph 4.

(7) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1, 2, 3 or 4, the offender shall be punished by a term of imprisonment of minimum five years for any of the offences under paragraphs 1, 2 or 3 and between one and ten years for any of the offences under paragraph 4.

### **Creating Danger by Improper Execution of Construction Works Article 395**

(1) Responsible person who, in the course of designing a project, managing, supervising or executing construction works, building of bridges, roads or any other construction work, acts contrary to regulations and generally accepted technical rules, and thereby endangers human life or limb or property of considerable value, shall be punished by imprisonment for a term of between six months and five years.

(2) Where any offence under paragraph 1 of this Article is committed out of negligence, the offender shall be punished by a term of imprisonment of up to three years.

(3) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1 or 2, the offender shall be punished by imprisonment for a term of between one to ten years for any of the offences under paragraph 1 and between six months and five years for any of the offences under paragraph 2.

(4) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1 and 2, the offender shall be punished by a term of imprisonment of between three and fifteen years for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2.

(5) If any offence under paragraph 1 of this Article results in illicit gain or damage in excess of BAM 10,000.00, the offender shall be punished by imprisonment for a term of between one and eight years and if the amount exceeds BAM 50,000.00, the offender shall be punished by imprisonment for a term of between three and fifteen years.

### **Damaging Safety Equipment at Work Article 396**

(1) Whoever destroys, damages, switches off or removes safety equipment in mines, factories, construction sites or any other sites where work is performed, thereby endangers human life or property of considerable value, shall be punished by imprisonment for a term of between one and five years.

(2) Punishment under paragraph 1 of this Article shall be imposed on any person responsible for taking protection measures in a mine, factory, construction or any other site where work is performed who fails to install safety equipment or fails to maintain it in good working condition, or fails to utilize it when necessary, or generally fails to comply with regulations or technical rules on protective measures, and thereby causes a high degree danger to human life or property.

(3) Where any offence under paragraphs 1 and 2 of this Article is committed out of negligence, the offender shall be fined or punished by imprisonment for a term of up to two years.

(4) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1, 2 or 3 or an extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to ten years for any of the offences under paragraphs 1 and 2 and between six months and five years for any of the offences under paragraph 3.

(5) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1, 2 or 3, the offender shall be punished by a term of imprisonment of between three and fifteen years for any of the offences under paragraphs 1 or 2 and between one and eight years for any of the offences under paragraph 3.

### **Damaging or Destroying of Public Facilities** **Article 397**

(1) Whoever, by destroying, damaging, stealing, altering, rendering unusable or removing any facilities for supply of water, heat, gas, electricity or other energy, communication system facilities or other public facilities, or in any other way damages or renders unusable the infrastructure facilities, shall be punished by imprisonment for a term of between six months and five years.

(2) Where an offence under paragraph 1 of this Article results in serious disruptions to the operation of facilities, or in that part, a disruption to the orderly civil life or impaired operation of industry was caused, the offender shall be punished by imprisonment for a term of between one and eight years.

(3) Whoever commits offences under paragraphs 1 or 2 of this Article out of negligence, shall be punished by imprisonment for a term of up to two years for an offence under paragraph 1 and up to three years for an offence under paragraph 2.

### **Damaging a Dam or Water Facilities** **Article 398**

(1) Whoever damages any artificial or natural dam serving as protection against natural disaster, shall be sentenced to a term of imprisonment of between six months to three years.

(2) Whoever damages, destroys or renders unusable important water facilities, shall be sentenced to a term of imprisonment of between one and five years.

(3) Whoever commits an offence under paragraph 2 of this Article out of negligence shall be fined or punished by a term of imprisonment up to three years.

### **Improper Transport of Explosive Substances or Inflammable Materials** **Article 399**

Whoever, contrary to the law applicable to the transportation of explosive substances or highly inflammable materials, consigns for transport those substances to any means of public transportation, or transports such material her/himself by way of using public transportation, shall be fined or punished by a term of imprisonment of up to one year.

**Failure to Avert Danger**  
**Article 400**

(1) Whoever fails to take steps to avert a fire, flood, explosion, traffic accident or some other danger to human life or limb or safety or to a property on a wide scale, by timely notifying the relevant authorities or in some other manner, even though s/he could have done so without exposing her/himself or another to danger, shall be fined or punished by a term of imprisonment of up to one year.

(2) Whoever by dissuasion or otherwise prevents another from taking steps to avert a fire, flood, explosion, traffic accident or some other danger to human life or limb or to property on a wide scale, shall be punished by a fine or term of imprisonment up to three years.

**Failure to Participate in Averting General Danger**  
**Article 401**

Whoever, contrary to an order or urging of a competent body or organization without a justified reason, refuses to participate in averting a fire, flood, explosion, traffic accident or other general dangers shall be fined or punished by a term of imprisonment of up to one year.

**C H A P T E R XXXI**  
**CRIMINAL OFFENCES AGAINST TRAFFIC SAFETY**

**Endangering Public Traffic**  
**Article 402**

(1) A participant in road traffic who fails to comply with traffic regulations and thereby jeopardizes public traffic to the point of creating an extensive danger to human life or property, and as a result another is severely physically injured, shall be punished by imprisonment for a term of between six months and five years.

(2) The offender under paragraph 1 of this Article who was under influence of alcohol at the time of commission of the criminal offense over 1,5 g/kg in blood or under influence of intoxicating drugs or was driving at the speed that exceeds 50km/h above the allowed speed, shall be punished by a term of imprisonment of between one and eight years and a ban on driving motor vehicle.

(3) Whoever commits an offence under paragraph 1 of this Article out of negligence, shall be fined or sentenced to a term of imprisonment of up to three years.

(4) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1 or 2, the offender shall be punished by a term of imprisonment of between two and twelve years for any of the offences under paragraph 1 and a ban on driving motor vehicle and between three and fifteen years for any of the offences under paragraph 2 and a ban on driving motor vehicle.

### **Endangering Specific Types of Traffic Article 403**

- (1) Whoever violates regulations of railway, bus, tramway, trolley-bus, ship or cable car traffic, thereby causing an accident, shall be punished by imprisonment for a term of between six months and five years.
- (2) Whoever commits any offence under paragraph 1 of this Article out of negligence shall be punished by imprisonment for a term of up to three years.
- (3) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1 and 2 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to eight years for any of the offences under paragraph 1 and between six months and five years for any of the offences under paragraph 2.
- (4) Where the death of one or more persons occurs as a result of any of the offences under paragraph 1, the offender shall be punished by a term of imprisonment of between three and fifteen years and a ban on driving motor vehicle for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2 and a ban driving motor vehicle.

### **Endangering Traffic by Dangerous Actions or Means Article 404**

- (1) Whoever, by destroying, removing or seriously damaging traffic equipment, devices, signs or signaling devices designed for traffic safety, or by giving false traffic signs or signals, erecting road blocks or in some other way, jeopardizes public traffic to the point of creating an extensive danger to human life or limb or property on a large scale, shall be fined or punished by imprisonment for a term of up to three years.
- (2) Whoever commits an offence under paragraph 1 of this Article out of negligence, shall be fined or punished by a term of imprisonment of up to one year.
- (3) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1 and 2 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to five years for any of the offences under paragraph 1 and up to three years for any of the offences under paragraph 2.
- (4) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1 and 2, the offender shall be punished by a term of imprisonment of between two and fifteen years for any of the offences under paragraph 1 and between one and eight years for any of the offences under paragraph 2.

### **Careless Supervision of Public Traffic Article 405**

- (1) A responsible person who has the duty of supervising the maintenance of roads and allied equipment, transportation means or public traffic, or the meeting of prescribed work requirements for drivers, or an authorized person who has the duty of managing traffic and who in the negligent performance of her his duties causes a risk of serious

danger to human life or limb or property on a large scale, shall be punished by a term of imprisonment of between six months and five years.

(2) The punishment under paragraph 1 of this Article shall also be imposed on a responsible person who issues a travel order or permits travel notwithstanding her/his being aware that the driver is incapable of safely operating her/his vehicle due to fatigue, illness, the influence of alcohol or some other reason, or if the vehicle is not in a proper condition, and who thereby causes a risk of extensive danger to human life or limb or property on a large scale.

(3) Where any offence under 1 and 2 of this Article is committed out of negligence, the offender shall be punished by imprisonment for a term of up to three years.

(4) Where one or more persons suffer grievous bodily injury as a result of any of the offences under paragraphs 1, 2 and 3 or if extensive damage to property occurs, the offender shall be punished by imprisonment for a term of between one to eight years for any of the offences under paragraphs 1 and 2 and between six months and five years for any of the offences under paragraph 3.

(5) Where the death of one or more persons occurs as a result of any of the offences under paragraphs 1, 2 and 3, the offender shall be punished by a term of imprisonment of between two and twelve years for any of the offences under paragraphs 1 and 2 and between one and eight years for any of the offences under paragraph 3.

#### **Failure to Render Aid to a Person Injured in a Traffic Accident Article 406**

(1) The driver of a motor vehicle or other means of transport who injures another with that vehicle or whose injury s/he has caused and abandons that person without rendering aid, shall be fined or punished by a term of imprisonment of up to one year.

(2) Where grievous bodily injury of the injured person occurs as a result of the failure to render aid, the offender shall be punished by imprisonment for a term of between six months and three years.

(3) Where the death of the injured person occurs as a result of the failure to render aid, the offender shall be punished by imprisonment for a term of between one and eight years.

### **C H A P T E R XXXII CRIMINAL OFFENCES AGAINST COMPUTER DATA SECURITY**

#### **Damage to Computer Data and Programs Article 407**

(1) Whoever, without authorization, deletes, alters, damages, conceals or otherwise renders unusable computer data or program, shall be punished by a fine or term of imprisonment of a maximum one year.

(2) If the offence referred to in paragraph 1 of this Article caused damages in the amount exceeding BAM 10,000.00 the perpetrator shall be punished by imprisonment of a term between three months and three years.

(3) If the offence referred to in paragraph 1 of this Article caused damages in the amount exceeding BAM 50,000.00 the perpetrator shall be punished by imprisonment of a term between one and five years.

(4) Devices and means used for the perpetration of the offences referred to in paragraphs 1 and 2 of this Article, shall be forfeited.

### **Computer Sabotage Article 408**

Whoever enters, destroys, deletes, alters, damages, conceals or otherwise renders unusable computer data or program, or destroys or damages a computer or other device for electronic processing and transmission of data with intent to prevent or significantly interfere with the process of electronic processing and transmission of data which are of importance to the Republic bodies, public services, institutions, companies or other entities shall be punished by imprisonment for a term of between six months and five years.

### **Developing and Introducing Computer Viruses Article 409**

(1) Whoever develops a computer virus with the intention to introduce it into someone else's computer or computer network or telecommunications network, shall be punished by a fine or imprisonment term for up to six months.

(2) Whoever enters a computer virus to someone else's computer or computer network and causes damage shall be punished by a fine or imprisonment term for up to two years.

(3) Devices and means used for perpetration of criminal offence under paragraphs 1 and 2 of this Article shall be forfeited.

### **Computer Fraud Article 410**

(1) Whoever enters false information, fails to enter correct data or otherwise conceals or falsely represents data and thus affects the results of the electronic data processing and data transfer with the intent of obtaining for himself or another illicit proceeds and thereby causes property damage to another, shall be punished by a fine or imprisonment term for up to three years.

(2) If the material gain acquired by the offence referred to in paragraph 1 of this Article exceeds BAM 10,000.00 the perpetrator shall be punished by imprisonment of a term between one and eight years.

(3) If the material gain acquired by the offence referred to in paragraph 1 of this Article exceeds BAM 30,000.00 the perpetrator shall be punished by imprisonment of a term between two and ten years.

(4) Whoever commits the offence referred to in paragraph 1 of this Article with the intention of only causing damage to another, shall be punished by a fine or imprisonment term for up to six months.

### **Unauthorized Access to Protected Computer, Computer Network, Telecommunications Network and Electronic Data Processing**

### **Article 411**

(1) Whoever, in violation of security measures, connects to a computer or computer network or accesses electronic data processing without authorization shall be punished by a fine or a term of imprisonment for up to six months.

(2) Whoever records or uses data obtained in a manner provided in paragraph 1 of this Article shall be punished by a fine or a term of imprisonment of up to two years.

(3) If the offence referred to in paragraph 1 of this Article stalls or seriously disrupts functioning of electronic processing and transmission of data or network or of there are other serious consequences, the perpetrator shall be punished by a term of imprisonment for up to three years.

(4) The punishment under paragraph 1 of this Article shall be imposed on anyone who develops, procures, sells or provides the use of computer guide or the means that is designed to penetrate the computer system.

### **Preventing and Limiting Access to Public Computer Network**

#### **Article 412**

(1) Whoever obstructs or prevents access to public computer network without authorization, shall be punished by a fine or imprisonment term for up to one year.

(2) If an official person in execution of duties commits the offence referred to in paragraph 1 of this Article, shall be punished by a term of imprisonment for up to three years.

### **Unauthorized Use of Computers or Computer Networks**

#### **Article 413**

(1) Whoever uses computer services or computer networks without authorization with the intention of acquiring illicit proceeds to her/himself or another, shall be punished by a fine or a term of imprisonment for up to six months.

(2) The prosecution of the offence referred to in paragraph 1 of this Article shall be initiated upon a filed motion.

## **C H A P T E R XXXIII TRANSITIONAL AND FINAL PROVISIONS**

### **Article 414**

The Minister shall, within the six months from the date this code enters into force, enact:

- 1) Rulebook on the Manner of Execution of Community Service under the Article 70, paragraph 7 of this Code, and
- 2) Rulebook on Keeping Criminal Records, as per the Article 92, paragraph 1 of this Code.

**Article 415**

On the day this Code comes into force, the Criminal Code of Republic of Srpska (“Official Gazette of Republic of Srpska”, number: 49/03, 108/04, 37/06, 70/06, 73/10, 1/12 and 37/13) shall cease to apply.

**Article 416**

This Code shall enter into force on the eighth day of the date of publication in the “Official Gazette of Republic of Srpska” .

Number: 02/1-012-641/17  
15 June 2017  
Banja Luka

Nedjeljko Čubrilović  
President  
National Assembly